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Crime Commission

Inves. Mar 20/62

pp 1 - 36

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

KENNETH H. BROWN and JAMES T. GOW, Trustees, on behalf of themselves and all other Shareholders of Beleggings-Societeit, N.V., and the said BELEGGINGS-SOCIETEIT, N.V., as represented by the said Kenneth H. Brown and James T. Gow,

Plaintiffs,

- and -

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Huijsmans,

Defendants.

TRANSCRIPT OF ARGUMENT ON APPEAL

Date

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INDEX TO WITNESSES

Name		Page
WINTERMEYER,J.	In-chf.	17
COMMON,W.B.	In-chf.	22
MAGONE,Clifford R.	In-chf.	27
BOWMAN,William C.	In-chf.	29

INDEX TO EXHIBITS

Ex. No.	Page No.	Description
1	6	Commission dated the 11th of December, 1961.
2	7	Affidavit dated 1st March, 1962, of Cyril L.Capreol, with attached newspaper advertisement.
3	21	Official report of Legislature of Ontario debates for Wednesday, November 29, 1961.
4	23	List of Senior legal personnel in the Department of the Attorney-General, Province of Ontario, for the period 1951 to 1962.

ROYAL COMMISSION ON CRIME IN ONTARIO

---Proceedings before THE HONOURABLE MR. JUSTICE W.D. ROACH, held on the 9th Floor, 801 Bay Street, Toronto; commencing on Tuesday, the 20th day of March, 1962, et seq.

APPEARANCES:

R.F. WILSON, Q.C. and M.W. CARTY	Commission Counsel
B.J. MacKINNON, Q.C. and STANTON HOGG	Counsel for the Ontario Liberal Party
F.A. BREWIN, Q.C. and REID SCOTT	Counsel for the Ontario New Democratic Party

---

TUESDAY, MARCH 20, 1962

---At 10:00 o'clock, a.m.

THE COMMISSIONER: The public hearings of this Commission are now about to commence.

I see a number of counsel present. May I record who counsel are and who they represent?

MR. WILSON: Mr. Commissioner, I appear as Commission counsel, R.F.Wilson; and Mr. M.W. Carty is with me.

THE COMMISSIONER: C-a-r -- ?

MR. WILSON: t-y.

I think the other counsel can identify themselves, Mr. Commissioner.

MR. MacKINNON: Mr. MacKinnon.

THE COMMISSIONER: What are your initials?

MR. MacKINNON: B.J. M-a-c.

I appear for the Liberal Party, Mr. Commissioner, and with me is Stanton Hogg. H-o-g-g.

THE COMMISSIONER: Mr. Brewin?

MR. BREWIN: I appear with Mr. Reid Scott, for the New Democratic Party.

THE COMMISSIONER: Any other counsel?

Mr. Wilson?

MR. WILSON: I produce the commission appointing the Honourable Wilfrid Daniel Roach Commissioner under the Public Inquiries Act. It is dated December the 11th, 1961.

I file it as an exhibit and I would ask the Registrar to read it.

THE REGISTRAR:

"Province of Ontario

"Elizabeth the Second, by the Grace of "God of the United Kingdom, Canada and "Her other Realms and Territories "Queen, Head of the Commonwealth, "Defender of the Faith.

"To - The Honourable Wilfrid Daniel "Roach, Justice of Appeal of Our Supreme "Court,

"Greeting:

" WHEREAS in and by Chapter 323 "of The Revised Statutes of Ontario, "1960, entitled 'The Public Inquiries "Act', it is enacted that whenever "Our Lieutenant Governor in Council "deems it expedient to cause inquiry "to be made concerning any matter "connected with or affecting the good "government of Ontario or the conduct "of any part of the public business "thereof or of the administration of "justice therein and such inquiry is not "regulated by any special law, he may, "by Commission appoint one or more person "to conduct such inquiry and may confer "the power of summoning any person and "requiring him to give evidence on oath

"and to produce such documents and things
"as the commissioner or commissioners
"deem requisite for the full investigation
"of the matters into which he or they are
"appointed to examine;
"AND WHEREAS Our Lieutenant Governor
"in Council of Our Province of Ontario
"deems it expedient to cause inquiry
"to be made concerning the matters
"hereinafter mentioned:
"NOW KNOW YE that WE, having and
"reposing full trust and confidence in you
"the said THE HONOURABLE WILFRID DANIEL
"ROACH, Justice of Appeal of Our Supreme
"Court, DO HEREBY APPOINT you to be Our
"Commissioner to inquire into and report
"upon:
"(1) the administration of the laws
"and regulations regarding the incorporat-
"ion and operations of social clubs
"having regard to allegations made by the
"Leader of the Opposition in his speech
"of November 29th, 1961;
"(2) any improper relationships, as
"alleged by the Leader of the Opposition
"in his speech of November 29th, 1961,
"between senior officials of the legal
"staff of the Department of the
"Attorney General and any person or
"persons, and more particularly relating

"to -

"(a) the termination of investigations,

"(b) the suppression of evidence,

"(c) the payment of money;

"(3) the extent of crime in Ontario and "the sufficiency of the law enforcement "agencies to deal with it.

" AND WE DO HEREBY CONFER on you "Our said Commissioner the power of "summoning any person and requiring him "to give evidence on oath and to produce "such documents and things as you Our "said Commissioner deems requisite for the "full investigation of the matters into "which you are appointed to examine.

" TO HAVE,HOLD AND ENJOY the "said Office and authority of Commissioner "for and during the pleasure of Our "Lieutenant Governor in Council for Our "Province of Ontario.

" IN TESTIMONY WHEREOF We have caused "these Our Letters to be made Patent, "and the Great Seal of Our Province of "Ontario to be hereunto affixed.

" WITNESS: THE HONOURABLE JOHN KELLIER "MACKAY, a Companion of Our Distinguished "Service Order, upon whom has been "conferred Our Volunteer Officers' "Decoration, One of Our Counsel learned "in the Law, a Lieutenant-Colonel in Our

"Canadian Army Supplementary Reserve,
"Doctor of Civil Law, Doctor of Laws,
"LIEUTENANT GOVERNOR OF OUR PROVINCE
"OF ONTARIO at Our City of Toronto in
"Our said Province this eleventh day of
"December in the year of Our Lord one
"thousand nine hundred and sixty-one
"and in the tenth year of Our Reign
"BY COMMAND
" 'JOHN YAREMKO'
"PROVINCIAL SECRETARY AND MINISTER OF
"CITIZENSHIP."

Signed on the face "J.Keiller Mackay, Lieutenant Governor".

---EXHIBIT NO.1: Commission dated the 11th of December, 1961.

MR. WILSON: Mr. Commissioner, Notice of the Sittings of this Commission were inserted in some twenty-seven newspapers throughout the Province of Ontario.

I have here a copy of the advertisement of the Public Hearings of the Royal Commission, which is attached as an exhibit to an affidavit of Cyril L. Capreol, sworn to on the 1st of March, 1962, proving the insertion of the advertisement in the Globe and Mail on March the 1st, 1962. I think it would be sufficient if I filed that affidavit, with the advertisement attached, as an Exhibit. Unless you, Mr. Commissioner, want the

list of other papers I think that should be sufficient.

THE COMMISSIONER: I was going to suggest perhaps it could be attached to it. If you have not got it there now it could be done later, the list of papers in which it was published.

MR. WILSON: Very well, Mr. Commissioner, I will see that that is done.

---EXHIBIT NO.2: Affidavit dated 1st March, 1962, of Cyril L.Capreol, with attached newspaper advertisement.

MR. WILSON: Mr. Commissioner, before I call the first witness: Do you intend to make any statement on any matter concerning the operation of the Commission?

THE COMMISSIONER: On each day of these public hearings the proceedings will commence at ten o'clock, unless it is otherwise announced. We will sit through until approximately five o'clock in the afternoon, with appropriate adjournments during the day.

I want to make it clear that I do not want any pictures taken anywhere on this floor of this building. I have no jurisdiction beyond this floor but on this floor I have.

As I said, we will adjourn every day at approximately five o'clock and there will be no necessity for anyone loitering or remaining on this floor at least after five-thirty o'clock.

I expect, and I direct, that no one remain anywhere in the area after five-thirty o'clock in the afternoon, and that will include the press.

Facilities have been provided for the press elsewhere on this floor but, for good and sufficient reasons that I do not need now to enlarge upon, it will be necessary that they vacate the accommodation provided for them not later than five-thirty each day.

These hearings will be open to the public except on such occasions as I, in my judgment, having regard to the interests of this commission and nothing else, may from time to time decide [illegible].

I think that is all, Mr. Wilson.

MR. WILSON: Now, this morning, Mr. Commissioner, I propose to call evidence which is directed solely to what might be called question 2, or item 2 of the Commission. That is the item dealing with --

"any improper relationship, as alleged
"by the Leader of the Opposition in his
"speech of November 29th, 1961, between
"senior officials of the legal staff
"of the Department of the Attorney
"General and any person or persons,
"and more particularly relating to -
"(a) the termination of investigations,
"(b) the suppression of evidence,
"(c) the payment of money; . . . "

The witnesses that I call this morning I intend to recall later. Subject to your direction, Mr. Commissioner, I merely intend in the first instance, to have Mr. Wintermyer identify his speech and then have Mr. Magone, Mr. Common and Mr. Bowman, who are or were senior legal personnel in the Department of the Attorney General during the last ten years called to deal with any allegations directly or indirectly to be found in that speech which may conceivably have any bearing on them.

I call first --

MR. MacKINNON: I wonder, before my learned friend proceeds, if I might raise two matters with you, Mr. Commissioner. They are really in the nature of questions.

The first one I think goes to the root of the effectiveness of this Commission, in my respectful submission. Some four days before this Commission was to commence its sittings it was announced inthe newspapers that one Johnny (Pops) Papalia had been removed from this jurisdiction, his sentence remitted, and delivered over to American authorities. The question, with respect, which I have to ask you, sir, in this connection is whether you were consulted on this and, if so, could I ask this respectfully, did you consent to such removal from the jurisdiction? It is obvious to anyone that this man would be a most essential witness to these proceedings, being involved in

all the rackets and, possibly, the main Mafia connection in this Province. I ask if you were consulted on this move and if you consented to it?

A/2 MR. WILSON: Possibly I can be of some assistance in regard to the point raised by Mr. MacKinnon.

The extradition of Mr. Papalia was as a result of negotiations between Washington and Ottawa - that is the Minister of Justice. I am informed he will be available in the United States for examination by you, Mr. Commissioner, if you desire to do so. As it was, he was here in jail. I believe the sentence was eighteen months. Certainly, as far as any question of sanctions is concerned, the examination, if one is desired, would be under just as suitable conditions in the United States as it would be in Canada, if you decide to take his evidence.

MR. MacKINNON: The only thing I can say to that, Mr. Commissioner, is that it would not be as suitable to me, so far as being present, and this is one witness at whose evidence I would like to be present, as you know, sir. It would be a very simple thing if we had known this beforehand. I would have suggested that we attend here beforehand to examine him prior to the appointment of the Commission.

But, my question still remains outstanding on this particular point.

There is another matter I would like to

raise.

THE COMMISSIONER: One at a time. Are you through?

MR. MacKINNON: Yes, on that one.

THE COMMISSIONER: Answering your question: I was not consulted. I had no knowledge that he was about to be taken out of the country until I read it in the press.

I may add that, on the basis of such information that this commission had gathered, it was certainly my intention that he should be brought before the Commission and subjected to examination under oath. I was not informed until this morning, as Mr. Wilson has just now stated, that he would be available for examination someplace in the United States, at such time as might meet my convenience. As to where that place might be or the date of the examination, I presently have no knowledge.

What is your next question?

(Page 16 follows)

Take B
1

MR. MacKINNON: Thank you, Mr. Commissioner.

My next question is -- I think it has been possibly indirectly answered by my learned friend Mr. Wilson, but I think itrequires elaboration if I may say so, with respect, and that is, as you know, sir, I have expressed some concern that question 2 should be proceeded with at first, and that --

THE COMMISSIONER: Let me see the Commission, please.

MR. MacKINNON: What I would like to ask, and have your position, sir, on, is that when I, for one at least, am better informed on the background of these matters, these witnesses, when they are called on question 2 will be subject to recall with regard to question 2 later in the proceedings, if necessary, and that any questions I may put to them at this stage with regard to question 2 would not preclude me from putting further questions with relation to question 2 at a later stage in the proceedings.

THE COMMISSIONER: That is well understood, Mr. MacKinnon.

MR. MacKINNON: Thank you, sir.

THE COMMISSIONER: Anything else? Mr. Wilson.

MR. WILSON: I will call Mr. Wintermeyer.

J. WINTERMEYER, Sworn

EXAMINED BY MR. WILSON:

Q. I am informed, Mr. Commissioner, that the spectators cannot hear at the back of the hearing room. I thought it advisable to bring it to your attention early in the proceedings, so that if necessary possibly some amplification equipment might be taken under advisement.

THE COMMISSIONER: Well, we will struggle along as best we can this morning.

MR. WILSON: For today, yes.

Q. You are the leader of the Liberal Party in the Province of Ontario?

A. That is right, Mr. Wilson.

Q. And I produce to you an official report of the Legislature of Ontario debates for Wednesday, November 29th, 1961, and by reference to page 83 under the heading 'Speech from the Throne' there appears, 'Mr. J. J. Wintermeyer, leader of the Opposition' and there follows a record of a speech from pages 83 to 110. Does this report contain a true copy of a speech delivered by you in the legislature on November 29th, 1961?

A. Yes, it does, Mr. Wilson.

THE COMMISSIONER: Mark it.

MR. WILSON: That will be Exhibit ---

THE COMMISSIONER: 3. Do they call that

Hansard, Mr. Wintermeyer?

A. That is right, Mr. Commissioner.

MR. WILSON: It is called --

A. That is right, I beg your pardon.

MR. WILSON: The name Hansard does not appear on it.

THE COMMISSIONER: It is generally known as --

A. It is generally known, Mr. Commissioner, as Hansard.

MR. WILSON: Now, Mr. Commissioner, Mr. MacKinnon has handed to me this morning a document which is headed, 'following are corrections for Hansard of November 29th, 1961'. Now, I have not had an opportunity of even reading this through, andI don't know the extent of the corrections that are shown; and first I might ask the witness what is the practice in thelegislature about any changes or corrections as recorded in these official reports?

A. Well, Mr. Wilson, after a speech is made in the legislature there is an opportunity within -- within the course of I believe 24 hours to correct any grammatical errors and such in the transcript and then subsequently that correction, that corrected transcript is handed to the steonographers in the Hansard pool as we know it, and theeventual publication that you see here this morning is published or

printed after those corrections are given in. Now, what is referred to, Mr. Wilson, is something that I do not want to make any great issue about at all. Subsequent to the publication we had dictated some further corrections that in our opinion should be made. I do not think they are serious, but I think for the sake of accuracy that they should be considered this morning, or at somegiven time during these hearings. They are not fundamental, Mr. Wilson, and I think if you will examine one or two of them you will -- you will gather that the corrections relate to mis-spelling, to incompleted sentences and such like.

MR. WILSON: Well, Mr. Commissioner, I would suggest that this document be filed for identification purposes and I be given an opportunity to consider it, and it is then a matter that can be discussed between counsel and you, Mr. Commissioner,as to whether it should be entered as an exhibit.

MR. MacKINNON: Mr. Commissioner, this has been tabled in the House, I am advised. Hansard are some time behind, if we can call it Hansard, in the printing, and presumably in their ---

MR. WILSON: Well, we will have the corrections in the form of the ---

THE COMMISSIONER: Just glancing over it it does not strike me at the moment as of

any great substance.

A. It is not, Mr. Commissioner. If I may say, there is a second opportunity of correcting Hansard at a later time, and it is at that time you make a more formal application to effect the correction. Now, that is the procedure that we have proceeded with in this respect. Mr. Commissioner, I want to make it entirely clear that I do not consider this to be a substantial change in any way.

THE COMMISSIONER: It doesn't appear at the moment to be.

MR. WILSON: Well, I have not had an opportunity of having --

THE COMMISSIONER: Correction of grammatical errors?

A. That is right.

THE COMMISSIONER: And so forth. I suggest you simply attach this to Exhibit 3, which is a copy of Hansard.

MR. WILSON: Yes. Very well, Mr. Commissioner.

THE COMMISSIONER: Mr. Registrar, you may attach that.

THE REGISTRAR: Yes.

THE COMMISSIONER: I have got a carbon copy here. Get an original from some place.

MR. WILSON: I believe that I have the original, Mr. Commissioner. Have I got the --

MR. MacKINNON: I think so.

MR. WILSON: Does this look like the original? I don't know that that really looks better than this. I think that looks like an original.

Mr. Commissioner, that is all that I propose to ask this witness at this stage, and I think it should be made clear to this witness and the witnesses that I am about to call, that they will be recalled at a later stage.

A. Thank you, Mr. Wilson.

THE COMMISSIONER: You will be available?

A. I certainly will, Mr. Commissioner. May I be permitted to express something that may have been an indiscretion on my part, which is I want to tell you that prior to the time that you suggested that no pictures should be taken, I did have my picture taken in this building, but not in this room. Now I am going to make the suggestion, or make the view that you ask that it be deleted or not published, if in your discretion you feel it is not advisable. I assure you that I did not intend to encroach on your direction, it was done prior.

THE COMMISSIONER: You get in touch with the man who took the picture and he will probably undertake not to publish it.

A. Thank you, Mr. Commissioner, and I assure you we will do all we can to assist

you at any time.

--- EXHIBIT NO. 3: Official report of Legislature of ONtario debates for Wednesday, November 29, 1961

MR. BREWIN: Mr. Commissioner, do I understand that Mr. Wintermeyer will be recalled at some later period, because I would like to ask him the source of some statements from him in the legislature.

A. We will make some observations on that at a later stage.

MR. BREWIN: I don't know whether this is the appropriate time or not.

THE COMMISSIONER: Excuse me a moment, Mr. Brewin. I don't know what you have in mind in asking that, but in any event he will be back here for examination.

MR. BREWIN: Thank you.

--- The witness withdrew.

MR. WILSON: I will call next Mr. W. B. Common.

W. B. COMMON, Sworn

EXAMINED BY MR. WILSON:

Q. You are associated with the Attorney-General's department of the Province of Ontario?

A. Yes, sir.

Q. And how long have you been associated with that Department?

A. In my thirty-fifth year, Mr.Wilson.

Q. And am I right in saying that on June 1st, 1957, you were appointed Deputy Attorney-General?

A. That is correct.

THE COMMISSIONER: What date?

A. June 1st.

MR. WILSON: June 1st, 1957. Would you hand him a copy of that. June 1st '57?

A. Yes, sir.

Q. Now, would you givethat to the witness, please? I am handing to you a document that has been submitted by your Department to me at my request. Does it set out a list of the senior legal personnel in the department of the Attorney-General, Province of Ontario, for the period 1951 to 1962?

A. Yes, sir, it does.

Q. Now, Mr. Commissioner, would you like me to read the list? It is not very long.

like me to read the list? It is not very long.

C. Now, Mr. Chairman, would you

A. [illegible]

[illegible]

A. [illegible]

[illegible]

A. [illegible]

[illegible]

A. [illegible]

[illegible]

A. [illegible]

[illegible]

A. [illegible]

[illegible]

A. June 1st.

MR. WILSON: June 1st, 1957. Would

you hand that a copy if that. June 1st '57?

A. Yes, sir.

C. Now, would you introduce as the

witness' phrase? I am moving to the

document that has been submitted by your

counsel to me at my request. Does it now

set a line of the avoid legal concerned in

the department of the attorney-general.

Provisions of statutes, for the period 1957 to

1958?

A. That is it.

C. Now, Mr. Chairman, would you

THE COMMISSIONER: All right.

MR. WILSON: That will be Exhibit No. ---

THE COMMISSIONER: 4.

MR. WILSON: 4.

--- EXHIBIT NO. 4: List of senior legal personnel in the department of the Attorney-General, Province of Ontario for the period 1951 to 1962

MR. WILSON: "Senior Personnel,

"Department of the Attorney-General,

"Main Office, 1957 to 1962:

"Magone, C.R., appointed March, 1912.

"Appointed Deputy-Attorney-General,

"September 11th, 1947. Superannuated

"June 1st, 1957.

"Common, W.B., appointed December 7th, 1927,

"Appointed Attorney-General June 1st,

"1957."

A. Deputy Attorney-General.

THE COMMISSIONER: Appointed what?

A. Deputy.

MR. WILSON: "Deputy Attorney-General,

"June 1st, 1957.

"Silk, E. H., appointed December 1st, 1934.

"Appointed assistant Deputy Attorney-

"General, June 1st, 1957.

"Hope, C. P., appointed January 1st, 1938.

"Appointed Director of Public Prosecutions

"June 1st, 1957. Deceased December 3rd,

"1957.

"Bowman, W. C., appointed 1931. Appointed
"Director of Public Prosecutions,
"January 1st, 1958.
"Pepper, E. R., appointed May 26, 1952.
"Appointed assistant Director of Public
"Prosecutions January 1st, 1958."

A. I might add, Mr. Wilson, that Mr. Pepper is no longer assistant Director; he is in charge of civil litagation in that particular branch at the moment. There is no assistant at the moment.

Q. Yes. Now, have you read the speech of Mr. J. J. Wintermeyer, a copy of which has been filed here this morning as Exhibit 3?

A. I have, sir.

Q. And what do you say as to any references made directly or indirectly in Mr. Wintermeyer's speech, as to any improper relationship on your part with any other person or persons in connection with your duties as a senior official of the legal staff of the Department of the Attorney-General?

A. I have read the speech of Mr. Wintermeyer, and of course in that speech he refers to what is commonly known as the "Scott Diary" which is Constable Scott's diary in which I am named. I can say, sir, thatI unequivocably deny the truth of that statement to the effect that money was paid

by me -- to me by the individual named by Constable Scott in the diary in question. I might say that I do not know that individual named by Constable Scott. I have never met him. I have never seen him, and I have had no communication wihh him either directly or indirectly, and I unequivocably deny the reference or allegation with regad to the suppression of evidence. I can say, sir, that at no time did I give any direction or receive any instructions to give any direction to Crown counsel, to any witness, or to any person in the case of Regina vs. the individuals that were tried last year, which is mentioned in the -- Mr. Wintermeyer's speech, and I know of no directions which came from my department.

With regard to the alleged improper termination of police investigations, I say that at no time did I give any directions or instructions to any person, neither did I receive any instructions to pass on in turn further directions or instructions, to improperly terminate any police investigation. I might say, sir, that I know of no instructions or directions emanating from our department in that regard.

I have been true to my oath of office, to my oath of secrecy. I have never received any instruction for anything done or foreborne to be done by me in the discharge of my official

duties while with the Department of the Attorney-General.

MR. WILSON: That is the only question that I propose to put to you at this time. You will appreciate that you will be recalled later on in this inquiry, and at that time you will be subject to cross-examination.

A. I understand, sir, yes.

MR. WILSON: Thank you, Mr. Common.

--- The witness withdrew.

(Page 27 follows)

Take C

THE COMMISSIONER: Mr. Common, thank you.

Mr. Registrar, have you got a blotter there?

MR. WILSON: I will call Mr. Magone.

CLIFFORD R. MAGONE, Sworn

EXAMINATION BY MR. WILSON:

Q. By reference to Exhibit 4, which you have just heard me read, you are mentioned as one of the senior officials in the Attorney-General's Department during the period from 1951 up to 1957?

A. Yes.

Q. And have you read the speech of Mr. J.J.Wintermeyer, which has been filed here this morning, a copy of which has been filed here this morning, as Exhibit 3?

A. I have, sir.

Q. What do you say as to any references made directly or indirectly in Mr. Wintermeyer's speech as to any improper relationship on your part with any other person or persons in connection with your duties as a senior official of the legal staff of the Department of the Attorney-General?

A. I can say, sir, that there is absolutely no truth in that statement if,

by any chance, it does refer to myself.

Q. Is there anything further that you want to say, in general?

A. Well, in relation to the termination or improper termination of investigations by the police, I can say that at no time did I give any instructions to any person that a proceeding should be terminated, either to the police or to any Crown Attorney.

Q. Now, you will appreciate that you will be recalled at a later date, and at that time you will be subject to cross-examination by my friends?

A. Yes, sir.

MR. WILSON: Thank you, that is all.

--- The witness withdraws.

MR. WILSON: I will call Mr. W. C. Bowman.

WILLIAM C. BOWMAN, Sworn

EXAMINED BY MR. WILSON:

Q. By reference to Exhibit 4, it appears you became the Director of Public Prosecutions in the Department of the Attorney-General on January 1st, 1958?

A. That is true, sir.

Q. Have you read the speech of Mr. J. J. Wintermeyer, which has been filed as Exhibit 3 in this enquiry?

A. I have.

Q. What do you say as to any references made directly or indirectly in Mr. Wintermeyer's speech, as to any improper relationship on your part with any other person or persons in connection with your duties as a senior official of the legal staff of the Department of the Attorney-General?

A. There is a reference in the speech to phone calls made to a senior official of the Attorney-General's department in 1958. These phone calls appear -- alleged to have been made from a number -- phone number used by certain professional gamblers. So far as I am concerned I do not know these gamblers. I have never spoken to them. The owner of the phone or the owner of the premises where the phone is listed, I do not know and, to my knowledge, I have never spoken to him.

Since reading the speech I have canvassed my memory to see if I could identify this call or recall it in any way. I cannot. I can simply say this, that it was not made by the gamblers or the persons in whose name the phone was listed.

With respect to the suppression of evidence at the trial of gamblers recently, I say this; that I never directed or in any way directed any suppression of evidence. At that trial Crown counsel had complete conduct of the trial and the control. He was not interfered with in any way by the Department or any member of the Department. The Department did, in fact, disclose and gave to Crown Counsel all the information, all the files available in the Attorney-General's Department and in the Ontario Provincial Police force.

THE COMMISSIONER: What trial are you referring to?

MR. WILSON: I think the witness is reluctant to mention names, Mr. Commissioner, by reason of the fact that there is now a trial pending.

THE COMMISSIONER: I see. He can elaborate on that later when he is called.

MR. WILSON: Yes, Mr. Commissioner.

THE WITNESS: With respect to suppression of evidence; no evidence at any trial was ever suppressed at my instigation, improperly,

and I certainly received no instructions or information of anyone else in our Department had improperly ordered the suppression of any evidence at any trial.

I might add, Mr. Commissioner, if I may at this time, that I have been with the Department for a long time. As the Director of Public Prosecutions, it has been my job to suppress crime, not to promote it or help it in any way.

Thank you.

MR. WILSON: Q. You will appreciate you will be recalled later and will be subject at that time to cross-examination?

A. Yes.

THE COMMISSIONER: All right, thank you, Mr. Bowman.

--- The witness withdraws.

MR. WILSON: Mr. Commissioner, the witnesses that I propose to call from now on, I am afraid, are going to have to name names and events which could possibly create a situation where it might be said that persons who are presently being tried in the City of Toronto might have their trial prejudiced -- their position prejudiced. Now I look to you, Mr. Commissioner, for a

direction as to whether you want to proceed with these witnesses either in open hearing or in camera or whether you would prefer to adjourn the hearing until such time as the present trial of certain individuals comes to an end.

THE COMMISSIONER: When it was arranged that this Commission would start a public hearing today, I was aware, of course, that there was a trial pending of certain persons whom I intended should be brought here under subpoena and examined under oath as to matters coming within the scope of this Commission. I think everyone, perhaps, assumed that trial would have been ended before now. I do not want the proceedings on this Commission to cut across, so to speak, that pending trial. I have made some inquiries as to when that trial will probably terminate, and perhaps one man's guess is as good as another's, but it will be a matter of a few days, in any event. I think it would be improper for me to proceed now to hear witnesses whose evidence might cast reflections that might operate adversely on persons elsewhere, and subject to what counsel may suggest to me, my view is the public hearings of this Commission should stand adjourned until the completion of that trial.

Mr. MacKinnon, have you some comments

on that?

MR. MacKINNON: No, I have no objection at all to it being adjourned. I understand your position, sir, in the matter, and if I may say so, with respect, it is a pretty proper one.

There is one thing -- I seem to be full of questions this morning. There is another question that has been raised in view of what Mr. Wilson said as each witness was leaving the box.

THE COMMISSIONER: One thing at a time. I was only asking you if you had any objections with respect to whether we should continue or adjourn.

MR. MacKINNON: This is something to do with the adjournment. I shall reserve it then. I think it would be quite proper to adjourn.

MR. BREWIN: Mr. Commissioner, I think it would be proper to adjourn, so far as any evidence that is related to the trial that is taking place, but I am wondering if counsel for the Commission has considered the possibility of putting in what I would call background material that doesn't necessarily affect the trial as to set up of the squad that is responsible for this, in relationship to the others. The general background picture that would enable us to, perhaps, then hear the later evidence with more understanding than

if we are just to have, perhaps, a rehash of the other trial. I only suggest that so that we might not then be wasting time, if my friend would consider other witnesses who might be helpful who are not involved in the trial. That is the only suggestion I make. I entirely agree that we shouldn't -- and I don't see how we can proceed in respect to witnesses who are almost simultaneously giving evidence in a criminal trial or matters directed in front of a jury as to the guilt or innocence of individuals. I don't see how we could possibly proceed with them.

THE COMMISSIONER: Counsel may, perhaps, well, know I have been devoting considerable time to the subject matter of this inquiry, with some assistance, able assistance of Mr. Wilson. Perhaps I could say, in answer to your suggestion, Mr. Brewin, that I do not think any time will be wasted if we adjourn now without putting in a list of the personnel of the anti-gambling squad and getting what you referred to as background, in getting it on the record. There would be a danger something would come out. Witnesses are sometimes just a little keen to make statements. Perhaps witnesses who will be called might, notwithstanding any caution, might give them, let something slip that would be unfortunate.

Mr. Wilson, have you made any inquiry

as to when that trial is likely to conclude?

MR. WILSON: I think there is a possibility, Mr. Commissioner, it may conclude during the present week, although it is rather difficult to make any definite forecast.

THE COMMISSIONER: Well, I think that in the circumstances that perhaps what we had better do is adjourn it sine die, and when that trial is concluded we will resume without any delay.

MR. WILSON: In view of the fact that there are a number of persons under subpoena to this Commission, I was wondering whether you might consider adjourning to a definite day, and if, when that day is reached, it is necessary to adjourn again, we can do that?

THE COMMISSIONER: What do you suggest?

MR. WILSON: I would suggest either Thursday or probably better, next Monday, where we have a fair chance.

THE COMMISSIONER: On the information I have, I don't think it would be reasonable to adjourn it until Thursday. I would make sure and adjourn until Monday next, and if, by any chance, it is not concluded then, we will attend here and go through the formality of adjourning to a later date, to keep those personnel under subpoena subject to those subpoenaes.

MR. WILSON: Then the adjournment will

be until Monday at ten. That is the 26th.

THE COMMISSIONER: Yes, adjourned until March 25th at 10.00 a.m.

Mr. MacKinnon?

MR. MacKINNON: In dealing with the witnesses, Mr. Wilson said to each one: "You realize you have to come back and be cross-examined by my friends". Am I to understand Commission counsel is now finished with his examination of those witnesses?

THE COMMISSIONER: Mr. MacKinnon, I don't know what you may understand, but I am saying those witnesses will be brought back here and will be subject to examination. Now, if Mr. Wilson wants to examine them further, and I would assume he does ---

MR. MacKINNON: He has all the material.

MR. WILSON: Mr. Commissioner, I thought I made it clear at that time they would be subject to cross-examination. I certainly intend to ask all those witnesses questions on matters that are relevant to this inquiry.

MR. MacKINNON: Fine. Thank you.

---- Whereupon further proceedings were adjourned until March 26th at 10.00 a.m.

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

KENNETH H. BROWN and JAMES T. GOW, Trustees, on behalf of themselves and all other Shareholders of Beleggings-Societeit, N.V., and the said BELEGGINGS-SOCIETEIT, N.V., represented by the said Kenneth H. Brown and James T. Gow,

Plaintiffs,

- and -

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Huijsmans,

Defendants.

TRANSCRIPT OF ARGUMENT ON APPEAL

Date

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VOLUME 2

ROYAL COMMISSION ON CRIME IN ONTARIO

Proceedings held before Mr. Justice Rouch, 9th Floor, 801 Bay Street, Toronto, on date of March 26, 1962.

Pages 37-276

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

KENNETH H. BROWN and JAMES T. GOW, Trustees, on behalf of themselves and all other Shareholders of Beleggings-Societeit, N.V., and the said BELEGGINGS-SOCIETEIT, N.V., as represented by the said Kenneth H. Brown and James T. Gow,

Plaintiffs,

- and -

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Huijsmans,

Defendants.

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INDEX OF WITNESSES

		Page No.
ERIC M. SILK	By Mr. Wilson	37
ELLIOTT R. PEPPER	Mr. Wilson	41
	Mr. McKinnon	43
ERIC M. SILK recalled	Mr. Wilson	46
JOHN MILLS ANDERSON	Mr. Wilson	49
	Mr. McKinnon	100
	Mr. Brewin	148
	Mr. Wilson	187
SOL GEBIRTIG	Mr. Wilson	224
	Mr. McKinnon	255

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ERRATUM
Where shown as "Saul" "Gebertig"
PLEASE READ "Sol" "Gebirtig"

LIST OF EXHIBITS.

No.		Page.
5	Personnel of the Anti-Gambling Branch of the O.P.P. from 1951 to 1961.	55
6	Ontario Provincial Police Report dated August 9, 1961.	58
7	Ontario Provincial Police report, dated November 26th, 1954, from the Anti-Gambling Branch to the Ontario Provincial Police Headquarters, Toronto.	72
8	Police diary of Sergeant J. M. Anderson.	80
9	Report dated July 11th, 1957, Sergeant Anderson to Assistant Commissioner Bartlett.	175
10	Letter dated March 16th, 1962, addressed to Chief Inspector H. H. Graham, C.I.D.	203
11	Letters Patent dated July 5th, 1957, issued to Centre Road Veterans Association, Roseland Veterans Association and Frontier Veterans Association.	223

- - - - -

No.		Page
5	Personnel of the Anti-Gambling Branch of the O.P.P. from 1951 to 1961.	55
6	Ontario Provincial Police Report dated January 9, 1956.	69
7	Ontario Provincial Police report, dated November 26th, 1954, from the Anti-Gambling Branch to the Ontario Provincial Police Headquarters, Toronto.	72
8	Police diary of Sergeant J. M. Anderson.	80
9	Sergeant Anderson to Assistant Commissioner Bartlett.	175
10	Letter dated March 16th, 1962, addressed to Chief Inspector H. H. Graham, O.I.B.	205
11	Letters Patent dated July 5th, 1957, issued to Centre Road Veterans Association, Rosedale	225

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MONDAY, MARCH 26, 1962

--- On resuming at 10.00 a.m.

THE COMMISSIONER: Mr. Wilson.

MR. WILSON: Mr. Commissioner, on the first day's hearing I called Mr. Common, Mr. Magone and Mr. Bowman, all of whom appear on Exhibit 4, the list of senior legal personnel of the Attorney-General's Department. At that time I did not call the present witness, Mr. Silk, whose work is mainly on the civil side, but in view of the fact that he and Mr. Pepper are named on that Exhibit 4, I thought it proper that they should both be called.

ERIC H. SILK, Sworn

EXAMINED BY MR. WILSON:

Q. You were appointed to the legal staff of the Attorney-General's department on November 1st, 1934?

A. That is right, sir, in the old Law Clerk's office in the office of the Legislative Counsel.

Q. Following that date, what posts in the Attorney-General's department did you hold?

A. I was appointed Leglislative Counsel, in 1935 some time, and I was appointed

Senior Solicitor and Counsel in charge of the civil side of the office in 1947 when Mr. Magone was appointed Deputy Attorney General and Mr. Common was appointed in charge of the criminal side.

THE COMMISSIONER: Nineteen what?

A. 1947, sir, and then when Mr. Common became Deputy Attorney General on Mr. Magone's retirement, which I think would be 1957, I was appointed Assistant Deputy Attorney General.

MR. WILSON: Q. Have you read the speech of Mr. J. J. Wintermeyer which has been filed here as Exhibit 3?

A. Yes, I have, sir.

Q. What do you say as to any references made directly or indirectly in Mr. Wintermeyer's speech as to any improper relationship on your part with any other person or persons in connection with your duties as a senior official of the legal staff of the Attorney-General?

A. It is rather complicated, but there are two references to senior officials of the Attorney General's Department, and if either of them are intended to apply to me they are certainly entirely in error, could not possibly.

Q. You have read over the terms of reference in this matter as set out in the

Commission?

A. Not for some time.

THE COMMISSIONER: Give it to him.

MR. WILSON: Q. Number 1 is:

"The administration of the laws "and regulations regarding the incorpora- "tion and operations of social clubs "having regard to allegations made by "the Leader of the Opposition in his speech "of November 29th, 1961;

"(2) any improper relationships, as "alleged by the Leader of the Opposition "in his speech of November 29th, 1961, "between senior officials of the legal "staff of the Department of the "Attorney General and any person or "persons, and more particularly relating "to -

"(a) the termination of investigations,

"(b) the suppression of evidence,

"(c) the payment of money;

"(3) the extent of crime in Ontario and "the sufficiency of the law enforcement "agencies to deal with it."

Is there any information that you have that would be of assistance to this Commission in regard to any one of those three headings?

THE COMMISSIONER: Take them one at a time.

MR. WILSON: Q. Dealing first with (1),

administration of the laws and regulations regarding the incorporation and operation of social clubs?

A. I can think of none.

Q. (2) any improper relationships as alleged by the Leader of the Opposition in his speech, between senior officials of the legal staff of the Department of the Attorney General and any person or persons, more particularly relating to - and under the three items that I have read?

A. I can certainly think of none.

Q. (3) - the bread heading "the extent of crime in Ontario and the sufficiency of the law enforcement agencies to deal with it"?

A. I can think of none.

Q. Thank you, that is all.

--- The witness left the stand.

--- The witness left the stand.

ELLIOTT R. PEPPER, Sworn

EXAMINED BY MR. WILSON:

Q. When did you join the legal staff of the Attorney General?

A. I was a law student in 1952 to 1954, and then graduated from Osgoode Hall in that year and I have been with the Attorney-General's department since that time.

Q. I see by Exhibit 4 you were appointed Assistant Director of Public Prosecutions in January 1st, 1958?

A. That is correct.

Q. What post do you now hold?

A. I am now Senior Advisory Counsel to the Attorney General.

Q. When were you appointed to that post?

A. About a year ago.

Q. Have you read the speech of Mr. J. J. Wintermeyer that has been filed here as Exhibit No. 3?

A. Yes, I have.

Q. What do you say as to any references made directly or indirectly in Mr. Wintermeyer's speech as to any improper relationship on your part with any other person or persons in connection with your duties as a senior official of the legal staff of the Department of the Attorney General?

A. Well, if by any chance he is referring to me, then I deny it, of course.

Q. You are familiar with the three headings set forth in the Terms of Reference in the Commission, directed to the Commissioner?

A. I am.

Q. You have heard them read this morning?

A. I have.

Q. Dealing first with the first one, the administration of the laws and regulations regarding the incorporation and operation of social clubs, are there any facts of which you are aware that you could give to this Commission which would assist it in that regard?

A. I know of none.

Q. (2) as to any improper relationships as alleged by the Leader of the Opposition in his speech, between senior officials of the legal staff of the Department of the Attorney General and any person or persons -- are there any facts or information you can give this Commission which would be of assistance to it in regard to that heading?

3 A. I know of no facts that would be of assistance, no.

Q. Thirdly, the extent of crime in Ontario and the sufficiency of the law enforcement agencies to deal with it, are

there any facts or information you can give to this Commission that would help it under that heading?

A. Not that I know of, no.

Q. That is all, thank you.

MR. MacKINNON: Would I be allowed to ask a couple of questions at this stage of this witness?

THE COMMISSIONER: Yes, go ahead.

MR. MacKINNON: It might save him being recalled back possibly, which would assist.

CROSS-EXAMINED BY MR. MacKINNON

Q. Mr. Pepper, I wonder if you could advise me what are your duties in the Department, what comes under your direction?

A. At the present time, or when I was assistant Director of Public Prosecutions?

Q. When you were Assistant Director of Public Prosecutions.

A. At that time I assisted Mr. Bowman in the administration of criminal law in the Province and I helped him with criminal appeals at all levels.

Q. Did you have any duties in connection with the gambling charges, gambling appeals, in that particular field?

A. I took a number of gambling house

cases to the Court of Appeal, yes, if you mean that.

Q. Did you participate in any discussions or in any interviews dealing with the subject of gambling in this province?

A. No, I never did.

THE COMMISSIONER: Interviews with whom?

MR. MacKINNON: Q. With Mr. Common, Mr. Bowman, officials of the Attorney General and Provincial Police?

A. No, I did not.

Q. Did you participate in other discussions involving the provincial police in other areas of crime?

A. Sometimes, yes.

Q. Was there any special reason given to you as to why you were not involved in the gambling interviews, if I can call them that?

THE COMMISSIONER: What interviews?

MR. MacKINNON: The interviews that were held with the Provincial Police.

THE COMMISSIONER: By whom?

MR. MacKINNON: By the senior officials of the Department of the Attorney General.

THE COMMISSIONER: Do you know of any?

MR. WILSON: Q. Do you know if any were held?

A. No, I don't.

cause to the Court of Appeal, yes. If you mean that.

Q. Did you participate in any discussions or in any literature dealing with the subject of pending in this province?

A. [illegible]

money?

MR. MACKINNON: Q. Were Mr. Cannon, Mr. Bonnan, officials of the Attorney General and Provincial Police?

A. No, I did not.

Q. Did you participate in other discussions leaving the provincial police at Grand Falls or Labrador?

A. Yes, yes.

Q. Was there any special reason given to you as to why you were not invited in the pending discussions, if I can call them that?

MR. MACKINNON: The Intervenor have now read with the Provincial Police.

THE COMMISSIONER: By whose

of the Government of the Attorney General.

THE COMMISSIONER: Do you know if any

MR. WILSON: Q. Do you know if any more

[illegible]

A. No, I don't.

Q. You have not been advised since this Commission started, that there were such interviews?

A. Since the Commission started, yes.

Q. Were you at that time or subsequently, given any reason why you were not involved in those discussions?

A. No, I don't think so, no reason given to me. I can only surmise why.

Q. What would be your surmise?

A. Only because I was assistant to Mr. Bowman. If any interviews were carried on between myself and the Ontario Provincial Police, it was always in a capacity of assisting Mr. Bowman. Eventually he would give the final word, either he or Mr. Common.

Q. But you would be involved in those discussions?

A. On the preliminary discussions, yes.

Q. You are telling us you were never involved in any preliminary discussions with regard to gambling houses?

A. No, I don't thinkI was.

MR. WILSON: In view of the cross-examination of the witness, I think Mr. Silk should be recalled and the nature of his duties possibly further dealt with.

THE COMMISSIONER: All right. Have you

any further questions of this witness?

MR. WILSON: No.

--- The witness left the stand.

MR. WILSON: The only reason I did not develop it was because I understood that they were to be recalled at a later date.

ERIC H. SILK, Recalled on former oath

EXAMINED BY MR. WILSON:

Q. What were your duties and functions in the Attorney General's Department in the last ten years?

A. Well, sir, ten years ago was 1952. I had then been occupying the position of Senior Solicitor and Counsel for a period of five years, and I was in charge of the civil side of the office, with Mr. Common being in charge of the criminal side immediately below Mr. Magone, the Deputy.

Since 1957, almost five years ago, I was appointed Assistant Deputy Attorney General with no restriction as to whether my work would be on the civil or criminal side. I have in fact -- I cannot think of any criminal work that has been assigned me and I cannot recall ever having been consulted about any criminal

matters, except perhaps in a very minor way.

So my work has been substantially, if not altogether, on the civil side, but with a number of special assignments, you will recall, sir, such as study of the coroner situation in the Province, study of the County Judges, and allied situations, and a considerable amount of counsel work on special investigations and major coroner's inquests, opinion work -- pretty hard to describe. I think that about covers the extent of my work, sir.

Q. I take it from what you say that you did not participate in any policy deliberations or discussions in regard to gambling matters?

A. Certainly did not. I was never consulted.

THE COMMISSIONER: Any questions?

MR. MacKINNON: No.

--- The witness left the stand.

MR. WILSON: At this point, Mr. Commissioner, you might consider whether or not the other witnesses who will be dealing with the incident that I intend to develop this morning, namely the arrest of certain people who were found in the Centre Road Veterans Club at Cooksville on November 24th, 1954, and the subsequent examination of some of those found-ins at the Court House at

Brampton -- there are six or seven witnesses on this point I will be calling, and I would suggest possibly that those witnesses should be asked to withdraw during the testimony of this witness.

THE COMMISSIONER: All right, name them, and as their names are called, there is a room down at the corner.

MR. WILSON: Chief Constable Shrubb, Mr. Gebertig, Mr. Grenville Davies.

THE COMMISSIONER: Where is Mr. Gebertig?

MR. WILLSON: He will be here, I understand. I told him we would not need him before eleven o'clock.

THE COMMISSIONER: I don't want him wandering in and taking his seat in the body of the room.

MR. WILSON: Magistrate Blain, Mr. R.W.Speck and Chief Constable Magill.

I will be calling Mr. Cudney on one point but I do not think it is important that he be asked to leave the room.

JOHN MILLS ANDERSON, Sworn

EXAMINED BY MR. WILSON:

Q. You joined the Ontario Provincial Police in July of 1944?

A. Yes, sir.

Q. Will you just briefly give us your history with that Force from that time?

A. I was attached to the anti-gambling branch following a short schooling, and I have remained with the branch ever since. In 1951 I was made a Corporal.

THE COMMISSIONER: Not too quickly, please. You were attached to the anti-gambling branch?

A. After attending a short schooling. period.

Q. Well, were you still in 1944?

A. 1944, yes, sir.

Q. Yes, made a Corporal?

A. Made a Corporal in 1951.

Q. Yes?

A. Sergeant in 1955.

Q. Yes.

A. And staff Sergeant in 1961, sir.

Q. What is the difference between a Sergeant and staff Sergeant?

A. It is a good question, sir. Just another step up the ladder towards the inspectorship, I hope.

Q. Well, has a staff sergeant some wider jurisdication than a sergeant?

A. He has in the district, sir, yes. Attached to the anti-gambling branch, I mean, he has not that same jurisdiction.

Q. I see, all right.

MR. WILSON: Q. Would you look at this list that I am handing to you, and tell me whether or not that properly sets out the personnel of the anti-gambling branch of the Ontario Provincial Police from 1951 to 1961.

A. Yes, I believe that is correct, sir.

(Page 55 follows)

(Item 39 follows)

B/RJH/1

---EXHIBIT NO. 5: Personnel of the Anti-Gambling Branch of the O.P.P. from 1951 to 1961.

MR. WILSON: Q. In 1954 Inspector W.G. Tomlinson was in charge of the anti-gambling branch, and you were the next person in order of seniority -- no, I am sorry, you were the second person, the next person was Sergeant Von Zuben, and then yourself, and then, during that year, was there not a change around April or March?

A. In 1954, sir, Sergeant Von Zuben was in charge with Sergeant Cronin, and then myself, that is as from the beginning of 1954.

THE COMMISSIONER: Tomlinson, Von Zuben?

THE WITNESS: No, sir, not as of the 1st of April, 1954. There was Sergeant Von Zuben, who was in charge, Sergeant Cronin, and then myself. And then as of April 1st, 1954, there was a change in the branch, and Inspector Tomlinson was in charge.

Q. And then what happened to Von Zuben and Cronin?

A. Von Zuben and Cronin were transferred from the branch, sir.

THE COMMISSIONER: Did any one take their place?

A. Well, Constable -- Corporal Shrubb then reported to the branch at that same time.

MR. WILSON: Well then, in November of 1954

what position did you occupy in the branch?

A. I was a corporal under Inspector Tomlinson.

Q. You were the next man in order of seniority at that time?

A. That is correct, sir.

Q. Now, one of the problems of your branch, I take it at that time, was the suspicions you had that illegal activities were taking place at the Army, Navy and Air Force Veterans and Canada Club in the Middle Road, Highway 10, Toronto Township?

A. Yes.

Q. And possibly we can designate that with the simplification, so that we can carry on, the Veterans,Centre Road Veterans Club?

A. The Centre Road Veterans Association, which it was later on known as.

THE COMMISSIONER: It was known as different names at different times. We had better get them. You gave me the name of Army, Navy ---

THE WITNESS: Army and Navy and Air Force Veterans and Canada Club, Unit No. 326.

THE COMMISSIONER: Just a moment, Army, Navy and Air Force Veterans Club.

MR. WILSON: Prior to that --

THE COMMISSIONER: Just a minute, number what?

MR. WILSON: No. 326. Prior to that time, Mr. Commissioner, it had been known as the Alpha Country Club.

THE WITNESS: That is correct, sir.

THE COMMISSIONER: Yes.

MR. WILSON: Q. Were there any other changes in the name of the club that was occupying those premises?

A. Well, you mentioned first the Alpha Country Club, and then it was the Army, Navy, Air Force Veterans and Canada Club No. 324, and then it came 326, and then in 1957 it became the Centre Road Veterans Association.

THE COMMISSIONER: Now I am confused. Start at the beginning again. The first one was what?

THE WITNESS: The Alpha Country Club, sir.

THE COMMISSIONER: And what is the next name?

THE WITNESS: And then it became known as the Army, Navy and Air Force Veterans in Canada Club.

THE COMMISSIONER: Just a minute. The Army, Navy and Air Force -- ?

THE WITNESS: -- Veterans in Canada, Unit 234.

THE COMMISSIONER: Yes, what is next?

THE WITNESS: And then it remained the same name, sir, except they changed it to Unit No. 326.

THE COMMISSIONER: And what was the next?

THE WITNESS: The Centre Road Veterans Association.

THE COMMISSIONER: Is that the last?

THE WITNESS: That was the last, sir.

THE COMMISSIONER: Do you know the dates upon which those names were given, just roughly?

THE WITNESS: 1954 it became Unit 234, and also the same year 326, and in 1957 it became the Centre Road Veterans.

THE COMMISSIONER: Thank you.

MR. WILSON: Q. Now, I will ask you to identify an Ontario Provincial Police report which is dated August 9th, 1961, and which sets out in chronological order the various actions by the Provincial Police, either alone or in association with the local police, with respect to these premises which we will describe as the Centre Road Veterans Club, and the first entry on that report is under date of September the 1st, 1954, and the last entry is May the 6th, 1960.

A. That is right.

Q. And that report will be Exhibit No. 6.

THE COMMISSIONER: Yes.

---EXHIBIT NO. 6: Ontario Provincial Police Report dated August 9, 1961.

MR. WILSON: Now, without going into all the details in regard to that report at this stage, I have asked you to summarize the report by years and bring out the totals of warrants executed, and so on.

A. Yes, sir.

Q. Now, starting with 1954, what does this report show?

THE COMMISSIONER: Let me have the exhibit, please.

MR. WILSON: Well, as I stated earlier to you, sir, from the discussion, that this report starts as of September the 1st, it only shows five warrants being executed, and following that date there were approximately twenty-five others executed that year?

A. Yes.

Q. Just so that we will understand it, this for some reason starts in September, 1954, but there had been Ontario Provincial Police activity with respect to these premises for some period of time earlier?

A. That is correct.

Q. And going back how far?

A. The 1st of January of that year.

Q. And you say that there would be at least twenty-five warrants executed earlier in 1954, prior to September?

A. Yes, sir.

Q. Now, with that explanation, and before I get from you the total for 1954 -- with that explanation, what had happened in the earlier years, 1953, 1952, and so on?

A. There had been raids conducted and prosecutions, and a prosecution in 1952.

Q. And at that time the prosecution was

successful, was it not, in 1952 -- as I recall it?

A. Yes, there was a conviction registered.

THE COMMISSIONER: Who was convicted?

MR. WILSON: Laffrade, I may say, sir.

THE WITNESS: Laffrade and --

MR. WILSON: Well, I understand that that conviction was set aside on appeal?

A. That is correct, sir.

Q. Now, what then is your total for 1954, with the explanation you have given about the earlier warrants that were executed?

A. Approximately thirty warrants executed for that year.

THE COMMISSIONER: That is search warrants?

A. Yes, sir.

Q. Thirty in 1954?

A. Yes.

MR. WILSON: And in 1955?

A. There were two warrants executed, sir, and in 1956 there was one observation made. There was one warrant executed by the O.P.P., and there was one warrant executed by Toronto City Police in which I assisted them. In 1957 there were sixteen warrants, and ninety-three observations. B/2 In 1958 there were two undercover attempts -- that is two attempts to try and get officers in, and forty observations. In 1959 --

THE COMMISSIONER: Just a moment, please.

THE WITNESS: In 1959 there were thirty-six observations and three warrants.

THE COMMISSIONER: Yes?

THE WITNESS: And in 1960 there were six warrants.

THE COMMISSIONER: Yes?

THE WITNESS: Making a total of fifty-nine warrants executed and 170 observations.

MR. WILSON:

Q. Well, what was the reason for the termination as of May the 4th, 1960? That appears to be the last entry?

A. That is the last entry for May, 1960. Following that Constable Wright -- former Constable Wright of our Force was arrested and the place closed down as of June the 1st.

Q. And as a result of proceedings that had been initiated earlier, the evidence of which had been taken before the Deputy Assistant Provincial Secretary in February and March?

A. Yes, sir.

Q. The charter of the Club was cancelled in June, is that correct?

A. That is correct.

Q. In 1960?

A. That is correct, sir.

Q. Now, are these records of execution of warrants and surveillances and so on, do they all relate to the anti-gambling branch or do they include other forces?

A. No, sir, they include some -- some of them include No. 5 District Headquarters of the O.P.P.

Q. And where is that Headquarters situated?

A. In Toronto, sir.

Q. And then does it include also raids or observations in which the local police force at Cooksville participated with the Township of Toronto?

A. It would include some that they participated in, yes. That is where they assisted us.

Q. Now, what was the explanation for the decrease in the police activity in the year 1955, as shown by this record, Exhibit 6?

A. I have no explanation for the decrease, sir. We were very, very busy on other details throughout the province -- pardon me, you said -- ?

Q. 1955.

A. 1955, yes, sir.

Q. And your branch of the anti-gambling branch, or squad I take it, operated throughout the entire province?

A. Yes, sir.

Q. And did you have some locations that gave you more of a problem than others?

A. Well, most of the gambling that we were concerned with is in the southern part of Ontario.

Q. At what locations?

A. Well, taken in an an area approximately

from Oshawa, through the outskirts of Toronto, Hamilton, the Niagara Peninsula.

Q. And were there any particular Clubs that gave more trouble than others?

A. Yes, sir.

Q. What Clubs were they?

A. Besides the one in Toronto Township we had one in Bertie Township.

Q. What was it called in Bertie Township?

A. There were different premises there, sir. Do you want the names of them?

Q. We will go into detail later -- was that the Frontier?

THE COMMISSIONER: Let us have the first one first.

THE WITNESS: The first name in Bertie Township was the Peninsula Club, and then they moved their premises, and for a short while they became known as the Ramsay Club.

THE COMMISSIONER: Yes?

THE WITNESS: And then they changed from that name to the Canadian Merchant Navy Veterans Association. And then it became known as the Frontier Veterans Association.

MR. WILSON:

Q. And what were the names of the Club, or by what was the Club that occupied the premises at Windsor that gave you concern --

THE COMMISSIONER: Now, excuse me, Mr. Wilson, is that all about the Bertie Township?

MR. WILSON: That is all the names, yes, sir.

THE COMMISSIONER: And were they -- you had given me one, two, three, four names. They were at two different places, as I understand it, the Peninsula Club had one address, and then it moved, and that place was closed up, and they moved to a new address which became known as the Ramsay Club?

A. That is correct, sir.

Q. And that same place became known as the Canadian Merchant Navy Veterans Association?

A. Yes, sir, and then they moved to a third premises, still under the name of Canadian Merchant Navy.

Q. Yes?

A. And then in 1957 they changed their name to Frontier Veterans Association.

THE COMMISSIONER: Thank you.

Now, you were asking him about Windsor.

MR. WILSON: Before we go to Windsor, Mr. Commissioner, we might follow through with the Niagara Falls area.

Q. Am I not right in saying then that we had what was known as the Old Ramsey Club in Niagara Falls itself?

A. At a later date, yes.

(Page 67 follows)

C/1

THE COMMISSIONER: Just a moment, now. The old Ramsay Club, was it in existence while the Frontier Veterans Association Club was also in existence in Bertie Township?

A. No, sir.

Q. Well, let's get the continuity right. Had the Frontier Veterans Association Club ceased?

A. It ceased in July - excuse me, approximately July, 1958.

Q. What was the next development then?

A. Well, approximately that same time what we refer to as the old Ramsay Club opened in Niagara Falls, Ontario.

MR. WILSON: And that was at 1693 Victoria Avenue, Niagara Falls?

A. That is correct, sir.

THE COMMISSIONER: Yes.

A. And then in the - approximately the fall of 1959 we refer to the new Ramsay Club which opened on Stanley Street in the City of Niagara Falls.

Q. You did not have the old and the new Ramsay Clubs both operating at the same time, did you?

A. No, sir. They are on the same charter actually.

THE COMMISSIONER: All right.

MR. WILSON: Now, what was the club in Windsor that gave you considerable difficulty?

THE COMMISSIONER: Start at the beginning there, too.

A. It first opened as the Roseland - I forget the other word, sir. It was the Roseland Club.

THE COMMISSIONER: Where in Windsor was it?

A. Sandwich South. The Township of Sandwich South, sir.

Then it became known as the Border Cities Press Club; and the Army Navy and Air Force veterans in Canada Club.

THE COMMISSIONER: Army and Navy?

A. And Air Force.

Q. And Air Force Veterans in Canada?

A. Yes, sir, unit 327. Then in 1957 it became known as the Roseland Veterans Association.

Q. Yes?

A. And that is what it remained until where there was a conviction registered there, sir.

Q. When was that?

A. The prosecution was started at the end of 1957, and a conviction in 1958.

Q. Who was convicted?

A. Mr. Frank Gardner, and Mr. Leo

Finnigan.

MR. WILSON: Now, prior to July 12th, 1957, of the clubs you have mentioned, did they have Federal or Provincial charters?

A. The Army Navy and Air Force was a Federal charter, sir.

Q. Yes, and was that true of the Centre Roads Veterans Club at Cooksville?

A. The Army and Navy and Air Force was a Federal charter, yes, sir.

Q. Yes, and that would also be true of the one in Sandwich South - the Township of Sandwich South?

A. That is correct, sir.

THE COMMISSIONER: You would have two with Federal charters?

A. Yes. Well, the Ramsay-Merchant Navy was also Federal charter in Bertie Township.

MR. WILSON: That is the one in the Township of Bertie?

A. Yes sir.

Q. Yes.

THE COMMISSIONER: Just a moment. Just a moment, now. That was up to July, 1957?

MR.WILSON: July 12th, 1957.

A. Yes, sir.

Q. And at that time did all three of the clubs take out Provincial charters?

A. Yes, sir.

Q. Yes. Now, on the 24th of

November, 1954, was there a raid on the Centre Road Veterans Club at Cooksville?

A. Yes, sir.

Q. And who was in charge of the raiding party?

A. I was, sir.

Q. And what was the - who were the personnel that you had with you on that occasion?

A. May I check on that, sir?

Q. Yes. Just check on your notes.

A. - - there was Corporal Shrubb, Constable Armstrong,

THE COMMISSIONER: Not - not too fast, please.

A. Sorry, sir.

Q. Shrubb, P.C.Armstrong?

A. Yes, sir. P.C.Wright, and P.C. Scott.

THE COMMISSIONER: Yes?

MR.WILSON: Now, briefly, will you tell us what about that raid?

A. There was a search warrant to search executed. There were persons found therein.

THE COMMISSIONER: Just a moment, now. Who issued the warrant?

A. I do not know, sir.

MR. WILSON: Well - -

A. At this time I do not know who issued the warrant.

Q. Just so that we will understand the procedure, where - where were the warrants issued for these raids, or by whom?

A. Well, at that time it would be Deputy Lougheed who would have issued the warrant.

Q. That is at headquarters of the Ontario Provincial Police?

A. That is correct, sir.

Q. And what knowledge would the Attorney-General's Department, or the senior legal personnel of that department have about raids that were being made by the Anti-Gambling Branch of the Provincial Police?

A. None, sir.

Q. And what part, if any, did they play in determining what raids should be made, and on what places, and at what time?

THE COMMISSIONER: Just a moment. You say the A-G's Department had no knowledge of this warrant?

A. They had no - -

Q. Or raid?

A. They had no knowledge of any pending raids, sir.

THE COMMISSIONER: Yes.

MR. WILSON: And did they in any way enter into the decision as to what premises were to be raided, and when?

A. No, sir.

Q. Now, as a result of that raid, you made a report?

A. I did, sir.

Q. Police report?

A. Yes, sir.

Q. Dated November 26th, 1954?

A. Yes, sir.

Q. And is that the report in question that you have in your hand?

A. That is, sir.

MR. WILSON: And that will be Exhibit number 7.

THE REGISTRAR: Seven.

THE COMMISSIONER: Yes.

---EXHIBIT NO: 7: Ontario Provincial Police Report, dated November 26th,1954, from the Anti-Gambling branch to the Ontario Provincial Police Headquarters, Toronto.

MR. WILSON: Have you got a copy of that to refresh your memory?

A. Yes, sir, I have.

Q. Yes. Well, now, briefly tell us what the events were of that raid?

A. Persons found in the premises were all - -

THE COMMISSIONER: excuse me. Can we shorten it? Is this report correct?

A. Yes, sir.

THE COMMISSIONER: Well, then, just - just look at it and refresh your memory, and tell

us what happened?

A. I was going to say, sir, the persons found in the premises were arrested.

THE COMMISSIONER: Well, before they got in there at all, what happened? 3:00 o'clock in the morning, or thereabouts?

A. It was approximately 3:15 a.m. sir. In company with Corporal Shrubb, Constables Armstrong, Wright and Scott, we approached the front entrance to the premises and as we approached the entrance one man, Bernard Weinrib, made a dive for the push button, or bell at the front entrance.

Q. Well, where was he prior to that?

A. Well, these men, sir, were on the outside as parking attendants. Just exactly what spot at the time, I couldn't say.

Q. All right.

A. They usually had two to three men on the outside directing traffic.

Q. All right. Just continue.

A. And as I approached the front door, down the - on each side of thedoor there are glass bricks. I called out, 'Provincial Police. Open up.' and at this time a person whom I knew as John Cappelli passed in view of the inside, appeared to open the door. The door itself was later opened up by Thomas McKay, who was known by myself to be a steward of the

club. On being asked who was in charge of the premises, he stated at this time, 'I am the steward.'

Corporal Shrubb, Constable Armstrong proceeded directly to the second floor, upon gaining entry, and announced to those persons in the room that they were all under arrest, and that they would be removed to the - as soon as possible to the Cooksville Police Station.

THE COMMISSIONER: All right. Now, then, give us the - let's get down to - -

A. They were not removed - -

Q. - - the found-ins?

A. They were in fact removed to Brampton, sir.

MR. WILSON: There is a reference at the foot of that first page that I would direct - -

THE COMMISSIONER: Yes. Well, I am suggesting, in view of other concurrent events that are going on now, that that be left for now.

MR. WILSON: Well, perhaps we can come back to that later.

MR. MacKINNON: We could come back to it, I will trust?

THE COMMISSIONER: All right. How many found-ins were there?

A. I think there were 34, sir. 34 men were arrested, I believe.

C/2

THE COMMISSIONER: Yes, go on.

A. Where they appeared that same date.

Q. Well, you arrested them, and where did you take them?

A. To Brampton.

MR. WILSON: Now, did you deal with the 34 all in the same way when you got them to Brampton?

A. There was seven men who were selected from the group, sir.

Q. What was the reason for the selection?

A. Well, the purpose was that they be questioned under oath before the Magistrate.

Q. And how did you come to pick these - this particular group of seven?

A. The seven to me were men whom I had not seen frequently at the club, possibly one or two times. The others were well known to me as having been there on previous occasions.

Q. Then I don't think we fixed the time of the raid. I see on your report it says 3:15?

THE COMMISSIONER: Yes.

MR. WILSON: Oh, I am sorry.

A. 3:15 a.m., sir.

Q. Yes. Then, the examination before the Magistrate took place the same morning?

A. The same morning, yes, sir.

Q. Before Magistrate Blain?

A. Blain, yes, sir.

Q. And the examination of the witnesses was conducted by Mr. Grenville Davis, who at that time was the Crown attorney for the county?

A. That is correct, sir.

Q. And who else were present at the time of these examinations?

A. Solicitors for the persons arrested, sir.

Q. And who were they?

A. There was Mr. Sol Gebirtig, and a Mr.Herman.

THE COMMISSIONER: What is his first name? Do you know?

A. Well, at this time I am not sure which one it is.

MR. WILSON: Well, I have made some inquiries and the witness had told me he did not know which Herman it was. It was a Mr. Carl Herman who is being subpoenaed.

THE COMMISSIONER: Who did they represent?

A. They represented all men there, sir.

MR. WILSON: Now - - -

THE COMMISSIONER: All the 34?

A. Yes, sir, although there were only seven - eight questioned at the time.

THE COMMISSIONER: Well, proceed.

MR. WILSON: Now, what was the result of the questioning of those eight persons?

A. Well, the results were nil, sir. That is, none of them admitted or stated that there were any illegal activities going on that night.

Q. Well, the 8th man, I understand, was a Mr. George Reid?

A. That is correct, sir.

Q. And what did you know of him as of that date?

A. Well, I knew George Reid as being one of the look-outs at the club. He had always been on the premises at any time I had been there.

Q. Well, after the examination was completed before the Magistrate, in your view was there any evidence which would warrant any prosecution of any person who had been arrested?

A. No, sir.

Q. Now, I am informed, Mr. Commissioner that the - certain gentlemen that - whose names were not mentioned a few minutes ago, have pleaded guilty so that maybe that a - -

THE COMMISSIONER: All right.

MR. WILSON: We can go into that in a moment.

THE COMMISSIONER: Open it up.

MR.WILSON: Now, at - as far as the examination of George Reid is concerned - -

THE COMMISSIONER: I suppose this information is authentic?

MR. WILSON: That is right. I did not mention their names. Possibly we could have confirmation in a minute or two though. I will leave it for the moment. After the - or during the examination of Reid was there any question arose as to the $810.00 that had been discovered under the carpet at the club?

THE COMMISSIONER: That is the first we heard of that.

MR. WILSON: Well, it is inthe report.

THE COMMISSIONER: I see. All right.

A. He was questioned about the $810. yes, sir, and he claimed it as being his.

MR. WILSON: Yes, and I see that it is mentioned in the report. Where was that found in the club at the time of the raid?

A. It was found underneath the carpet on the second floor of the alleged - of the gaming room.

Q. Yes. Well, then, the examination of these eight persons was completed in the courtroom. I take it that was the end of the matter as far as you were concerned?

A. Yes, sir.

Q. Then, at that, with reference to your report, which has been filed as Exhibit No. 7, you name all those persons who were found in, the seven other than Reid who were examined, but am I right in saying that there is no reference to the final disposition of the matter in that report?

A. That is correct, sir.

Q. However, I understand that you make in your - what do you call it, your Police diary?

A. Yes, sir.

Q. Entries fromday to day?

A. Yes, sir.

Q. And would you turn up in your 1954 Police diary the date of November 24th, and let me know what entry you have there?

A. My entry reads:

"2:00 a.m. on duty with Corporal "Shrubb, Constable Armstrong, Wright, "Scott; to Toronto Township approximately "3:15 a.m. Execute search order "Army Navy and Air Force Veterans in "Canada Club Unit 326. 34 men "arrested. Removed to Brampton "County buildings. Approximately 9:00 "a.m., 8 men appeared before his "Worship Magistrate Blain re provisions "of Section 642 of the Criminal Code.

"$810. seized, claimed by George "Reid. 34 men released. The money "returned to Reid,"and receipt "obtained. Returned to Office. Off "duty 1:00 p.m.)

THE COMMISSIONER: Put the diary in as Exhibit 8.

---EXHIBIT NO.8: Police diary of Sergeant J.M.Anderson.

MR. WILSON: Now, for the purposes of the Crown counsel at the trial of - preliminary hearing, I take it, of the charges against Wright, McDermott and Feeley in March of 1961, you prepared a further memorandum in regard to the events of November the 24th, 1954?

A. Yes, I believe I did, sir.

Q. Yes. Now, in that report - -

THE COMMISSIONER: When was that? What time?

MR. WILSON: The - the report is dated April the 21st, 1961.

THE COMMISSIONER: The 21st?

MR. WILSON: April the 21st, 1961, which is really a history of the Centre Road Veterans Club?

A. Yes, sir.

Q. Now, in that history there is a reference to a telephone call under date of November 24th, 1954, said to have been received by Crown Attorney Davis?

A. That is correct, sir.

Q. Now, is this the first time that that appears anywhere in writing?

A. I would say yes, sir.

Q. Yes.

THE COMMISSIONER: Just a moment. Why don't you read that particular part of it into the evidence?

MR. WILSON: It reads as follows:

"In November, 1954, all persons on "the premises were arrested following "the execution of a warrant, and "removed to Brampton County Jail, "where they were questioned under "the provisions of Section 642 "Criminal Code, old code, before his "Worship, Magistrate R.Blain. No charges were preferred. All persons "were released after Crown attorney "Davis received a telephone call from "the office of the Attorney-General "instructing him to discontinue these "proceedings immediately."

Now, what events gave rise to that statement in that report of April 21st, 1961, because it doesn't appear in either your report, which has been filed as Exhibit 7, or in your diary of 1954, Exhibit 8?

A. That report, I believe, sir, was prepared at the request of Chief Inspector

Graham.

Q. Now, tell us about this?

THE COMMISSIONER: Excuse me. Whose report is that? Who made that report?

MR. WILSON: It is a report made - -

THE COMMISSIONER: April 21st, 1961?

MR. WILSON: It is a report made by the witness, and signed by the witness.

THE COMMISSIONER: All right.

MR. WILSON: Now, tell us, please about the phone call that was referred to there.

THE COMMISSIONER: Well, just a moment. He said something about Inspector Graham.

c/3

MR. WILSON: Well, Inspector Graham was in charge of the preparation of the case on behalf of the Ontario Provincial Police against Feeley, McDermott and Wright.

THE COMMISSIONER: Yes.

MR. WILSON: And in the course of that preparation he asked this witness to prepare this - to prepare certain information, and report.

THE COMMISSIONER: I understand that; but he did not actually answer the question you asked him. What subsequent events led to his including in the report of 1961 what he did not put in his report of 1954, or in his diary.

MR. WILSON: Yes.

A. Well, following the arrest, it was following the arrest of Constable Wright, and the preparation of the case, that I submitted many a report, and it was during the course of that time that I did submit this.

THE COMMISSIONER: Well, we know that. You were asked a very pertinent question. You see, Mr. Anderson, in the report that you made in November, 1954, two days after the raid, there is no reference to this telephone call?

A. No, sir, there isn't.

Q. And in your diary there is no reference?

A. No, sir.

Q. Yet, in April, 1961, when you are making a report for the benefit of counsel who was prosecuting - who was prosecuting Wright, McDermott and Feeley, you included it. Now, Mr. Wilson wants to know what the explanation is for your having it included there, when it did not appear in the earlier ones?

A. Well, during the whole course of the events, sir, there was, I mean, many an explanation given as to the raids and that on the premises, and what went on, and they wanted everything that we could recall.

Q. Who wanted everything?

A. Well, Inspector Graham, for the purposes of the trial. They wanted everything on

A. Well, following the arrest, it was following the arrest of Commander Watkins, and the preparation of the case, that I undertook my inquiry, and it was during the course of that time that I did submit this.

MR. CHRISTOPHER: Well, we have here. You were asked a very particular question. You see, Mr. Anderson, in the report that you made in November, 1958, two days after the raid, there is no reference to this telephone call?

A. No, sir, there isn't.

Q. And in your diary there is no

[illegible]

A. No, sir.

[illegible] who was prosecuting [illegible] Mollenhoff and Pooley, you included it. Now, Mr. Wilson wants to know what the explanation is for your having it included there, when it did not appear in the earlier court

A. Well, during the whole course of the events, sir, there was, I mean, many an explanation given as to the notes and then on the premises, and what went on, and they varied everything that he could remember.

Q. Who wanted everything?

A. Well, Inspector Conrad, for the [illegible] of the trial. The whole [illegible]

- why the raids of certain years were fewer than other years, and instructions, and everything that took place.

THE COMMISSIONER: Yes.

A. So that is why it was included at a later date in that.

Q. All right.

MR. WILSON: Q. Well, now, just tell us what occurred after the examinations in the courtroom of these eight persons thatyou have mentioned?

A. Well, the - the examinations of the eight persons had been completed. Now, on the other point, of whether Mr. Davis made a telephone call, or received a telephone call, I don't know; but he did speak to me afterwards, and made the remark that the telephone call had to dowith fromthe Attorney -General's Department to discontinue proceedings.

MR. WILSON: Well, this - this was following the examination of the eight witnesses?

A. As I recall, the eight witnesses had been examined.

Q. Yes, and the results had been nil?

A. Yes, sir.

Q. That is the way you put it?

A. Yes,sir.

Q. So that - so that had the

investigation not at that stage come to an end? It had terminated, insofar - - -

A. Yes.

Q. Before any telephone call, if there was a telephone call, was made?

A. That is right, sir.

Q. Yes, and did you - were you present when any telephone call was taken by or made by Mr. Davis?

A. I can't recall, sir. I don't think I was.

Q. Well - - -

A. That is, I was not in his immediate presence.

Q. Well, as best you can, tell me exactly what did occur after the conclusion of this examination of these eight persons?

A. Well, following the examination of them, the only thing I can say at the present time, sir, is that they dispersed and left.

THE COMMISSIONER: Well, that would be natural. You didn't have any evidence?

A. We had no evidence on them.

MR. WILSON: Well, have you - have you any recollection as to where in the court house any conversation took place between Mr. Davis and yourself that suggested there had been some telephone call?

A. The best that I can recollect, sir,

it was in the hallway that is between his office and the courtroom office.

Q. Well, was there any other person present at that particular time, other than Mr. Davis and yourself?

A. I couldn't say, sir. I mean Corporal Shrubb was there, but if he was there at that particular time, that moment, I couldn't say.

Q. I take it, as the results were nil, you were not asking that any charges be laid?

A. No, sir.

Q. And nobody else was asking that any charges be laid?

A. We hadn't the evidence, sir.

Q. Then, do you - do you recall who you returned to Toronto with on that occasion, after the conclusion of the matter at Brampton?

A. No, sir. I couldn't say who I rode with on that day.

Q. Do you recall any discussion on the return trip to Toronto about a - about the investigation?

A. I do not.

Q. And the examinations?

A. I don't recall what was said, sir.

Q. Now, in the - in the ordinary case, or according to standard procedure, who would

be responsible for taking out a warrant for searching a premises where it was suspected there had been some illegal activity?

A. Well, that has varied, sir. Generally the senior officer may take it out, but not necessarily.

Q. Well, would it be somebody in the Anti-Gambling branch that would be responsible for the issue of the warrant?

A. For obtaining the warrant, yes, sir.

Q. For obtaining the warrant?

A. Oh, yes.

Q. And during the period that you were the senior officer in the branch, what was the practice?

A. Of obtaining the warrants, sir?

Q. Yes, of obtaining the warrant?

A. Well, again, that varied. It wasn't always the senior officer who would obtain the warrant.

Q. But would the person other than the senior officer, if he had obtained a warrant, report that fact to the senior officer?

A. Oh, well, he would only - I see what you mean, sir. No. If a junior officer obtained a warrant, it would be on instructions of the senior officer.

Q. Yes?

A. In other words the senior officer would be acting with him on that particular raid, but no junior officer would obtain a warrant without first obtaining the permission

Q. Well, according to the procedure in force during your period of association with the Anti-Gambling branch, who would know of impending raids?

A. Oh, the next person in charge, and it would depend again. Sometimes they pehaps all knew.

Q. You mean all members of the squad?

A. That is possible, yes, sir.

Q. And it would also - the officer who actually issued the warrant, he would be aware of it?

A. That is - -

Q. The impending raid?

A. That is correct, sir.

Q. And was there a member of the senior officers who had the duty of issuing warrants? For issuing them under proper circumstances?

A. You are saying issuing, sir, you mean to obtain the warrant?

Q. Well, what - what do you call it when the warrant is signed by say Mr. Lougheed was one name you have mentioned?

A. We would go to a Justice of the

Peace to have it signed.

Q. Well, do you have any procedure, or a Justiceof the Peace within the Force, or outside the Force?

A. If a Justice of the Peace was available within the Force we would go to him first; if not, then we would go to the City Hall, Toronto.

Q. And how many justices of the peace did you have in the force during the last ten years?

A. There was always two, sir, up until the past few years, and then we have just had the one.

Q. Now Mr. Commissioner, it may be as well through this witness to put in the - I might say the different officers of the force, so that we will get the Commissioner and Deputy Commissioner and so on, and get the set-up of the force. Possibly after the morning adjournment I can have that ready. Now, have we had any confirmation of my - - well, I haven't got definite confirmation yet of the information given me. I don't understand why they haven't got confirmation of it. I mean it seems it is a matter where confirmation could be obtained in a matter of minutes. - - well, I understand now it has been confirmed. Now, that being the case, I would refer to this report which has

been referred to as Exhibit No. 7, and the second to last paragraph on the first page there is a reference to Joseph McDermott. Now, who is he, and what was his relationship to this particular club?

A. Well, Joseph McDermott was one of those persons, up until 1957, who was always on the premises at any time a warrant was executed. He was listed as a member. He was believed by us to be the man in charge of the place.

Q. And on the occasion of this raid of November 24th, 1954, did you have any conversation with him?

A. Yes, sir, I did.

Q. And what was the conversation?

A. Well, Mr. McDermott approached me, and he says: "Well, this is the first time in three years you have been able to make a pinch"; and when I asked him what he meant he said, "It is the first time in three years you have made an arrest. Have you got a stoolie in again - in the game?", and then he went on to say "which one is he? I bet I can pick him out" or I think I - pardon me. "I think I know the one."

Q. Yes, and did he have anything else to say on that occasion?

C/4

A. Yes, he also asked for permission to telephone his lawyer, who was Mr. Gebirtig.

Q. And Mr. Gebirtig did subsequently attend at the courthouse at Brampton?

A. At Brampton, yes, sir.

THE COMMISSIONER: Well, according to the way-you spoke to Gebirtig over the phone?

A. Yes, sir. I would say I spoke to him when Mr. McDermott phoned him, first.

THE COMMISSIONER: McDermott phoned him, and then when Gebirtig was on the line you talked to him?

A. I talked to him.

THE COMMISSIONER: And what did you say to him?

A. And I informed him that they were all under arrest, and were being removed to Brampton.

Q. Then he turned up later at Brampton?

A. He turned up there, sir.

Q. And Mr. - - -

A. Herman.

Q. - - Herman with him?

A. Yes, sir.

MR. WILSON: Do you recall what time you made that call?

A. No, sir.

THE COMMISSIONER: Well, you were still at the club?

A. Oh, we were still at the club, but the exact time, I couldn't say.

THE COMMISSIONER: Well, how long were you at the club altogether, approximately?

A. Oh, it would be approximately two hours all told, sir.

Q. Well, that would bring you up to about 5:15 in the morning?

A. Yes, sir.

Q. You called Mr. Gebirtig during that time, you probably had to get him out of bed?

A. More than likely, sir.

MR. WILSON: I direct your attention to the terms of reference of this Commission, and in particular to the second heading, dealing with:

"Any improper relationships,
"as alleged by the Leader of the
"Opposition in his speech of
" November 29th, 1961, between
"senior officials of the legal staff
"of the Department of the Attorney-
"General and any person or persons,
"and more particularly relating to-
" (a) the termination of investigations";

Are you aware of any facts indicating any improper relationship on the part of senior personnel in the Department of the Attorney-

General in respect to termination of investigations?

A. No, sir.

Q. Are you aware of any facts relating to any improper relationship between senior officials of the legal staff of the Attorney-General and any other person or persons with respect to the suppression of evidence?

A. No, sir.

Q. And are you aware of any facts with regard to any improper relationship between any of the senior officials of the legal staff of the Department of the Attorney-General and any person or persons with relation to the payment of money?

A. No, sir.

Q. In the course of your carrying out your duties has any of the senior legal personnel of the Department of the Attorney-General in any way interfered with your operations?

A. No, I cannot say that they have, sir, other than I think I mentioned once before the matter of pinball machines.

Q. Yes, and what - what was the problem so far as pinball machines was concerned?

A. Well, the fact that these machines are of an illegal - are an illegal device, and the different Crown counsel, Crown attornies,

they were asking to clean them out of their county, and the instructions then was that there was no reason why there should be a wholesale clean-up in these devices.

Q. Now, what year - what year are you - -

THE COMMISSIONER: Instructions to whom?

A. To me, sir.

Q. By whom?

A. That was signed by Mr. Common, sir.

Q. Well, was it in writing?

A. Yes, sir.

THE COMMISSIONER: We better have that.

MR. WILSON: Well, now I show you a memorandum from the Department of the Attorney-General dated the 16th of October, 1959. It is addressed to W.H.Clark, Commissioner, O.P.P. from W.C.Bowman, Q.C. Headed: "Re pinball machines".

And while it reads as follows:

"Replying to your memorandum of
"the 8th ultimo, I would suggest
"that theinstruction to be given to
"the school is that the law is
"fixed by the Isseman Case, i.e.,
"so called 'free-play' pinball
"machines are illegal and may be

"used as the foundation of a charge
"of keeping a common gaming house."
"I do not know that the matter calls
"for a general crusade throughout the
"Province but if complaints are made
"about the operation of these machines
"there is no reason why there ought
"not to be a prosecution."

Signed W.B.Common, Deputy-Attorney General. Copy to Sergeant Anderson, Anti-Gambling branch.

A. That is correct, sir.

Q. And you received that?

A. Yes sir.

Q. Now, what exactly - if we can find a copy of that you might put it in as an exhibit. In fact we have the original of that.

THE COMMISSIONER: Oh, you read it into the evidence, isn't that good enough?

MR. WILSON: Well, it is - - -

THE COMMISSIONER: All right, if you want to put it in, okay.

MR. WILSON: I don't need to, no, my lord.

Now, what - what was the problem that you - you didn't agree with this policy that was being laid down?

A. In one manner, sir, yes. I, as far as the officers in school were concerned, I am lecturing on that subject, and the question

was always raised as to why couldn't they. These machines are prevalent throughout the Province, some municipalities have seen fit to prohibit the machines, and yet, within our own district they are operating.

Q. Well, do I understand some municipalities saw fit to pass by-laws which prohibited them?

A. Yes, sir, based on the fact that they were illegal machines.

Q. Yes. And then from October, 1959, on, what was the procedure in those municipalities where no such by-law had been passed, so far as the Ontario Provincial Police are concerned?

A. We didn't touch them, sir.

Q. Yes. Did you get - did you have any complaints about the operation of any of those machines?

A. I received very few directly, sir.

Q. So that was that a matter for, or primarily a concern ofthe local police rather than the Provincial police?

A. In municipalities, yes.

Q. Well, where? Where?

A. Those municipalities where they have their own police forces.

Q. Well, now, what is the - what

is your complaint about this particular directive, if it is a complaint?

A. Well, it is putting people - putting these machine owners actually out of business, sir. I mean as an individual who operates a small premises, with a machine in, they are only an ordinary person, I mean they are proprietors of small premises. It is the machine owners primarily that I would be interested in.

Q. Yes. Well, what did you say about this directive as far as your superior officers are concerned after October 16th, 1959?

A. That was the final instructions I had, sir. I didn't do anything, other than to pass that information on to officers in the class.

Q. Yes.

A. As I was instructed there.

Q. And you never took issue with any of your superior officers about this policy?

A. No, sir.

Q. And yet I take it that over the years that you were in the Anti-Gambling branch, and particularly after you became Sergeant, you did sit in on policy meetings with your superior officers in the Ontario Provincial Police?

A. Oh, yes.

Q. And also you sat in on policy

meetings with members of the Attorney-General's Department?

A. Yes, sir.

Q. And after October 16th, 1959, did you ever raise this question at any policy conference or meeting at which members of the senior legal staff of the Attorney-General's Department, or even the Attorney-General were present?

A. No, sir, I didn't. I mean that that memorandum reply was following a memo that I had submitted.

MR.WILSON: Now,I do propose to examine the witness on criminal policies generally, and other matters, but not at this phase of the hearing. Subject to your direction.

THE COMMISSIONER: Well, is that all you want to ask this witness at this stage about the November 24th episode?

MR. WILSON: Everything that I want to ask him about that, I have asked him.

THE COMMISSIONER: Would this be a convenient time for a ten minute recess?

MR. WILSON: Yes, it would, Mr. Commissioner.

---Short recess.

---On resuming.

MR. WILSON: Well, where is the witness?

---Witness resumes stand.

MR. WILSON: I propose to recall the witness tomorrow or at a later time in the day, depending on how we get along today, so whether my friend wants to reserve his cross-examination?

MR. MacKINNON: I think I would like to cross-examine now, at least so far as my friend's examination in-chief led him into certain facts.

C/S I will say, Mr. Commissioner, that I do not think I propose to examine with relation at this stage to the very broad questions and answers which concluded the examination; mainly with reference to the question of his reports, which I understand my learned friend has - he has already let me have a look at them, but I would like to have a copy before I conduct any cross-examination.

THE COMMISSIONER: Well, any cross-examination you want to conduct, conduct it.

MR. MacKINNON: Thank you, sir.

EXAMINED BY MR. MacKINNON:

Q. Now, you stated that in 1955 two warrants were executed, then in 1956 one warrant executed by the Ontario Provincial Police, is that correct?

A. I believe that is correct, sir.

Q. Now, isn't it a fact that in 1954, Sergeant Vonzuber - is that his name - was he head of the Anti-Gambling Squad at that time?

A. The first half of 1954 he was in charge, yes sir.

Q. And was he not instructed to discontinue nightly observations at the Alpha Club, as it was then known?

A. He was, sir.

Q. Yes, and from whom did those instructions come, or do you know?

A. Well, just only recently I have seen the memo that was received at that time. It was Mr. Magone.

Q. From Mr. Magone?

A. Well, it came through the Commissioner.

Q. I see.

THE COMMISSIONER: To discontinue what?

A. The nightly observations on the premises, sir.

THE COMMISSIONER: Q. What is an observation?

A. Well, strictly what I call an observation is sitting outside, keeping observation, that is watching what goes on, the traffic, and that. Perhaps my reference was not correct. The observations, and what we did at the first of 1954, we executed warrants, and went into the premises. That is what we were told to discontinue.

MR. MacKINNON: The executions.

THE COMMISSIONER: That is not to enter?

A. Not enter, yes, sir.

MR. MacKINNON: Then, in 1956, when you only executed one warrant at this club, were you also not advised, and the date from the - your diary that has been given to me is May the 25th, 1956, were you not also advised at that time to execute warrants only on complaint?

A. Yes, sir.

Q. And what did that mean?

A. Well, just exactly what it said, to execute warrants on premises only when we received a complaint about the place.

Q. I see, and if everyone were happy with its operations, and you received no complaints, you were not to execute any warrants on your own initiative, is that it?

A. At that time, yes, sir.

THE COMMISSIONER: Who advised you of that?

MR. MacKINNON: Now, from where did you get these instructions?

A. From the Honourable the Attorney-General, sir.

Q. And what took place at that time?

THE COMMISSIONER: Who was the Attorney-General then?

A. Mr. Kelso Roberts, sir.

MR. MacKINNON: What took place at that time?

A. Well, I was - do you mean me?

Q. Yes?

A. I was with Commissioner McNeil at the time, attending a meeting with the Honourable the Attorney-General.

Q. Anyone else there that you can recollect?

A. May I check my diary?

Q. I wonder if you would.

A. No, sir, I have made no other notation for that particular date as to who was there.

Q. And what was the reason given to you for this action?

A. Well, perhaps I should continue with what I have in my diary here.

THE COMMISSIONER: Well, go ahead, continue with it.

A. It is only execute warrants only on complaints. Discontinue to try to get officers in for time being, to see what happens. That is the gist of what took place in the conversation.

Q. Did you have any comments to make on these instructions at that time?

A. No, sir, I didn't.

Q. You didn't object to this?

A. No, sir.

Q. Do you know whether you attended at the Attorney-General's office at his request, or was this done at your request?

A. Well, it wasn't at my request, sir.

Q. Was it at the Commissioner's request?

A. Well, that I don't know.

THE COMMISSIONER: Well, what was the purpose of the meeting?

A. To - to discuss the club, sir, and there was a discussion, but I can't recall everything that was said, only that - - -

THE COMMISSIONER: Well, the substance of what was said? Why were you there? You were there to discuss the club?

A. Yes, sir.

Q. In connection with what?

A. In connection with the raiding of the club, sir, but I couldn't say every word that was said. I can't recall the whole conversation.

THE COMMISSIONER: I don't expect you to, witness. I don't expect you to remember every word that was said, but the meeting was called for a specific purpose, was it?

A. It was to do with the club, sir.

Q. Yes?

A. Yes, sir.

Q. Well, up until then, you had not been very successful in - -

A. No, sir. We had not. We had a - as I have mentioned earlier, in 1952 a prosecution and conviction, and we lost it in the appeal.

THE COMMISSIONER: Yes?

A. Then we have had raids which wcWe not - - -

Q. Productive?

A. Productive. We tried executing warrants every night for approximately a month, and basically that is what we carried out against these clubs.

THE COMMISSIONER: Yes.

MR. MacKINNON: Well, now, this meeting in 1956, on May 25th, you were advised that there

had been objections made to your execution of warrants on this club?

A. As I said, sir, I can't recall the conversation, all the conversation that went on at that particular time.

Q. All I am asking you is if you can - can you recall why the meeting came about? In other words was it as a result of objections to your activities that you were called in?

A. No, I can't say, sir.

Q. You can't remember?

A. I know I was up there with Commissioner McNeil.

(Page 110 follows)

Take D

Q. All right, now, coming to this particular club you mentioned which was first known as the Alpha Club, when did it come into being, do you know, about 1949?

A. The first raid upon the premises was under Inspector Doyle in 1948. The premises then were being renovated, that is, they were in the process of decorating and making certain changes.

Q. I do not want to introduce any more confusion than necessary into this Bertie Township Club situation, but wasn't that club known as the Hamilton Men's Bridge and Social Club at one time? That appears in your diary.

A. Yes, you are correct, it was.

Q. Do you know when it acquired that name and when it changed that name?

A. It would be approximately 1953.

Q. On June 11th, 1954, from your diary, you refer to the execution of a warrant on the Ramsay Club, Bertie Township, "formerly Hamilton Business Men's Bridge and Chess Club" is that right?

A. That is correct.

Q. It only had the name for a short while then?

A. Short time.

Q. Now you also refer to the old Ramsay Club opening about July 1958 at 1693 Victoria Avenue, is that correct?

A. Yes, it would be approximately that time.

Q. Now, I note that in an entry in your diary for January 26th, 1954, you refer to a warrant executed at Goldfields Club, 1693 Victoria Avenue?

A. It became known as the Goldfields Club. I do not believe they had a charter for that.

Q. So this old Ramsay Club opened on thesame premises as there had been formerly another club on which you had executed warrants?

A. The Ramsay in 1693,back about 1950 was known as the ---

Q. Polo Club of Windsor?

A. Polo Club of Windsor, and it was following conviction there it became known as the Goldfields Club.

THE COMMISSIONER: You are now talking about these Bertie Township premises?

A. Before it moved to Bertie Township, sir, there was a time when it was in Niagara Falls, when gaming houses operated in Niagara Falls.

Q. Let us get this now in proper sequence. Prior to any club in Bertie Township there was one in Niagara Falls?

A. There were two in Niagara Falls.

Q. Just a moment. Take these two in Niagara Falls one at a time and trace the

history of the one and then go to the other one and trace the history of it. There were two in Niagara Falls?

A. Yes.

Q. What were their names?

A. One was the Italo-Canadian Club.

Q. Italo-Canadian?

A. Yes, at 1717 Victoria Avenue.

MR. MacKINNON: Q. Is that the Italo-Canadian Frontier Club?

A. I did not know itas the Frontier. It was Italo-Canadian Club.

THE COMMISSIONER: 1717 ---

A. 1717 Victoria Avenue, sir.

Q. And the other one was at 1693. What is the name of it, first of all?

A. Polo Club of Windsor.

Q. Where was it?

A. 1693 Victoria Avenue.

Q. Now then, take the first one of those, the Italo -Canadian Club, andtrace that until it no longer existed.

A. There were two convictions registered there.

Q. Wait a minute, that was at 1717 Victoria?

A. Victoria.

Q. Yes, you got two convictions?

A. Between 1950 and 1953 approximately there were two convictions registered.

Q. Who was convicted?

A. There was an Antony Mitchell, and the second person's name was Marbello.

Q. And the first name?

A. I believe it is Michael, sir, but I couldn't say.

Q. What is his last name?

A. M-a-r-b-e-l-l-o.

Q. Any initials or nickname? I have heard of "Scrip" Mitchell?

A. This is the brother of "Scrip". There was "Big" and "Little" Scrip. I was never sure which one was which.

Q. All right. Now you are still with the Italo-Canadian Club. Two convictions between 1952 and 1953. Yes, go on, continue with that club.

A. Then it folded, sir.

Q. Disappeared?

A. Well ---

Q. Or did some other organization come in and take its place?

A. No, sir. We have to go to the other club, the Polo Club of Windsor. Then when it went out of business ---

Q. Excuse me, the Italo-Canadian Club went out of business in what year?

A. Approximately 1953.

Q. How did it go out of business, that is what I want to know.

A. After the final conviction it just folded and reverted then -- they renovated the place and it is now a rooming -- not a rooming house ---

Q. No club operating?

A. No club.

Q. --- there since 1953?

A. That is right.

Q. All right, I don't want to take this examination out of your hands, Mr. MacKinnon, but I want to get some order to it.

MR. MacKINNON: I appreciate that.

THE COMMISSIONER: Now then, re the Polo Club, tell me about that. When did it come into existence?

A. That was also approximately 1950.

Q. It was at 1693 Victoria?

A. 1693 Victoria Avenue.

Q. You think it was in existence about 1950?

A. Yes, sir.

Q. Give me the history of that.

A. There was a conviction registered under that name.

Q. Against whom?

A. Peter Sacco is one.

Q. When?

A. That would be 1953.

Q. Go on now from then.

A. That charter, I believe, was

cancelled and then it became known as the Goldfields Club.

Q. The charter was cancelled and a new club went into possession?

A. Yes, sir. There was a second conviction registered.

Q. Against whom?

A. I don't recall the name, sir.

Q. When?

A. That would be the latter part of 1953 approximately. Now, that is when you have both these gaming houses -- they are now out of business, and that is when Bertie Township opens.

Q. These were in Niagara Falls?

A. These were in Niagara Falls, but then these same ---

Q. Just a moment. At that stage, both out of existence?

A. Yes, sir.

Q. Then some club appeared in Bertie Township?

A. Bertie Township, yes, sir.

Q. What was the name of it?

A. That was the Peninsula Club.

Q. You have given us the history of the Peninsula Club or its successors?

A. That is correct, sir, with the exception of one club name that came up there that I had forgotten about, the Hamilton

Business Men's Bridge and Chess.

Q. Did it open in Bertie Township?

A. Yes, it moved from the Peninsula Club to premises often referred to as the Lorelei .

Q. Then there was the Peninsula Club followed by the Hamilton ---

A. Business Men's Bridge and Chess.

Q. In the same building?

A. Yes, sir.

Q. And that was followed by what?

A. For a brief time the Ramsay.

Q. What did you say about the Lorelei?

A. No, sir, there was a big sign out front "Lorelei". People referred to it as the"Lorelei" . That was just the premises where these clubs operated. "Lorelei" was not a club.

Q. Now, the bridge club was operated by ---

A. The bridge was operated by the Ramsay for a short time.

Q. You speak of that as the old Ramsay Club now, do you?

A. No, sir, the old Ramsay does not come in until we come back to Niagara Falls. Then there was the Canadian Merchant Navy Veterans Association .

Q. You have given us that before?

A. Yes, sir.

Q. Then the Frontier Veterans?

A. Yes.

THE COMMISSIONER: All right, Mr. MacKinnon.

MR. MacKINNON: Q. Sergeant, when the old Ramsay Club opened its door, as you have told us, about July 1958, it opened it as an address with which you were quite familiar in your work?

A. Yes, sir.

Q. Dealing with these three clubs very briefly at this time, you advised us that these three clubs took out provincial charters on July 12th, 1957, is that correct?

A. That is correct, sir.

Q. In other words, the Centre Road Vets Club?

A. Frontier Veterans Association and the Roseland Veterans.

Q. The Roseland, and weren't those the three clubs that had given you the most trouble?

A. Yes, sir.

Q. No question about it, is there?

A. No question.

Q. And were you asked at the time that -- or your Department asked at the time the new charters were issued, for a report on these clubs?

A. No, sir.

Q. Was that unusual?

A. Yes, it was.

Q. Particularly so when these were the real thorns in your flesh?

A. Well, we had -- when charters were issued we were asked to investigate.

Q. That was the normal course?

A. Normal procedure.

Q. And so far as these clubs were concerned, isn't it true there was a central charter for them, before the new charters were issued by the Province, that federally there was a central charter, and that these clubs ---

A. Pardon me, what do you mean by a "central"?

Q. Well, one charter issued for all clubs right across Canada for this Veterans Association?

A. That is, the Army and Navy?

Q. That is right.

A. Yes.

Q. Is that correct?

A. I believe that is correct.

Q. It was by a private Act of Parliament, I believe, or do you know that?

A. I don't know.

Q. Then these individual clubs operated sort of under a franchise or license from the head office?

A. That is, two of the clubs did.

Q. Which two were those?

A. That was the one in Toronto Township and the one in the Windsor area, Sandwich South.

Q. So far as the Windsor area club is concerned, it still had its franchise or license or whatever it is called after July, 1957 from the federal headquarters of its organization, isn't that correct?

A. No, I can't answer that one.

Q. Had your branch or the Provincial Police made any representations to the central headquarters of the Army, Navy, Air Force Veterans Association about these clubs?

A. Inspector Tomlinson had when he was in charge.

Q. Do you know whether there was any subsequently made prior to July 12th, 1957?

A. There was, but I am not sure of the date.

Q. Who would have that information, can you tell me?

A. I believe there was some investigation made by the Attorney General's Department.

Q. You don't know ---

A. In connection with those clubs.

Q. You don't know who did it?

A. No. Mind you ---

Q. In that connection, do you have any information as to whether or not the Army, Navy and Air Force Veterans headquarters were going to cancel these licenses or franchises for these particular clubs in 1957?

A. No, I don't know.

Q. Did you hear that?

A. I did not know until 1958, first in 1958 when I was in Ottawa speaking to the President of the Ontario Command of the Army, Navy and Air Force.

Q. Did he advise you that they were in the process or were on the brink of cancelling these franchises?

A. Well, he stated that that was one of the first things that he himself was going to take care of as the new President.

Q. When was this stated to you?

A. It was early 1958.

Q. Early 1958?

A. That is January, I believe, in 1958.

Q. So at that stage it was a subject matter with which he at least was quite familiar, I take it?

A. Well, with the publicity there has been given these places, yes.

Q. What is his name, do you remember?

A. No, at this point I just don't recall.

THE COMMISSIONER: That was in 1958?

A. That was early 1958.

Q. That would be after provincial charters had been issued to the ---

A. That is correct, sir.

MR. MacKINNON: Q. Then did you attend the meeting at Mr. Common's office on July 12th, 1957, when the question of the issuance of these charters was discussed?

THE COMMISSIONER: What date, Mr.MacKinnon?

MR. MacKINNON: July 12th, 1957.

THE WITNESS: Yes, sir.

MR. MacKINNON: Q. And who was present at that meeting?

A. There was Assistant Commissioner Bartlett, there was Mr. Common and Mr. Bowman.

Q. And who else?

A. And myself.

Q. I wonder then, will you tell us what transpired at that meeting?

A. I was informed at that time that these charters had been issued by the Attorney General.

Q. This was a fait accompli then, was it; it was something that had already been done by the Department, you were informed?

A. Yes.

THE COMMISSIONER: Informed by whom?

A. It was Mr. Common, sir, that informed me.

MR. MacKINNON: Q. Was this your first information of these charters being issued?

A. I believe it was the day before that Assistant Commissioner Bartlett had phoned me about it and that we were to attend a meeting.

Q. What was your reaction to that?

A. One of surprise.

Q. Can you remember what you said on that occasion?

A. I couldn't say, sir.

Q. Could it have been "Oh, hell, what's the use?"

A. I couldn't say.

Q. Would that be likely to be your reaction on being advised of this?

A. What my reactions were, sir, I can't recall.

Q. Were you happy about it?

A. I certainly was not happy.

Q. You were not throwing your hat in the air and cheering?

A. Oh, no.

Q. Were you unhappy?

A. Well, I had had so many set-backs in trying to get into these clubs, I guess I accepted it as another phase.

Q. Set-backs -- as another set-back?

A. Well, I mean, we had been raiding these places and not being able to get in to get that conviction or to prove (I should say) that they were an illegal gaming house.

Q. Then will you go on and advise me just what transpired at that meeting to the best of your recollection?

A. Well, I was informed by -- I at least I say "I" -- there was Assistant Commissioner Bartlett there at the time and Mr. Bowman and Mr. Common. We were advised that these charters had been issued, and we were given the names of them.

THE COMMISSIONER: What were those?

A. The Centre Road Veterans Club, the Roseland Veterans and the Frontier Veterans. I was informed that it was through Mr. Saul Gebertig.

Q. What was through Mr. Saul Gebertig?

A. The charters were issued.

MR. MacKINNON: Q. Was that the extent of your information?

A. I also had noted here they were to be given a chance, that is, under the provincial charters they were to be given a chance.

Q. Is this the same Saul Gebertig who was involved in the November 1954 episode in Brampton?

A. He is the only Saul Gebertig that I know.

THE COMMISSIONER: Now, who said they were to be given a chance?

A. This is the word of Mr. Common, sir, that the charters were issued by the Attorney General, and I took it that he meant the Attorney General said they were to be given a chance.

Q. A chance to do what?

A. I suppose to prove themselves in good faith, sir, that they were not a gaming house.

MR. MacKINNON: Q. Were you advised at that time that any other solicitor was acting for them, or was it just Saul Gebertig's name mentioned in that connection?

A. It is the only name I have noted and recall, sir.

Q. Then in your entry you said, at least the one that has been given to me, it says:

"Present action to be cancelled" what does that mean?

A. During 1957 there was action taken by our district officers, that is, the men in Chatham District, No. 1, relevant to the club in that area.

THE COMMISSIONER: You mean taken by them on their own without coming through

headquarters?

A. Without the anti-gambling branch. Certain instructions had been issued earlier that year.

Q. During 1957 action had been taken by your district officers, through the district officers?

A. Through the district officers.

Q. Located where?

A. No. 1 district headquarters in Chatham, No.4 district headquarters in Niagara Falls, No. 5 district headquarters in Toronto.

Q. What action had been taken by those districts?

A. These men were ---

Q. Just a moment -- by these district headquarters officers independent of headquarters in Toronto, in 1957?

A. They had been raiding the premises, sir, the respective premises.

Q. That is, the three clubs in the three areas?

A. That is correct. Kept observations, nightly observations, and checking personnel in the cars as they entered.

MR. MacKINNON: Q. That is what was meant by the "present action to be cancelled"?

THE COMMISSIONER: I had not heard that yet. If I have, it went over my head. You told us that in 1957 these district headquarters

took action on their own?

A. Yes, sir.

Q. Now, you say you got some instructions that that was to be discontinued or new regulations or something?

A. Well, that was to be discontinued.

Q. Who told you that? And when?

A. That was on July 12th, 1957.

Q. What was told you and by whom.

A. That was mentioned by Mr. Common.

Q. What did he say?

A. That the present action was to be cancelled.

Q. Is that the procedure which you have been telling us about?

A. That is right, but was to follow again if traffic warranted.

Q. Well, if you were not keeping an eye on these places, how would you know whether traffic warranted it or not?

A. Well, of course ---

Q. I am a bit confused there.

A. The district men, I mean, they pass these premises on their normal routine, and they would be able to observe from that whether the cars were entering the premises or not. I mean, they were close enough to the highway that they would observe that.

MR. MacKINNON: Q. Sergeant, I see that they all have the word "Veterans" in their

titles. Were you advised that the members of these clubs were all veterans or to be veterans?

A. I was not advised of that, no, sir.

Q. Was that your understanding either then or subsequently?

A. According to the charter.

Q. Were you given a list of members?

A. At the time the charter ---

Q. At that time?

A. No, sir.

Q. Was there any check made into the membership at that time?

A. No, sir.

Q. You were not requestedto make any?

A. No, sir.

Q. And from the subsequent information and knowledge you have, I take it that the membership of these clubs were not all veterans, isn't that correct?

A. That is correct.

Q. It is a safe statement to make?

A. Yes, sir.

Q. Now, just in this connection of receiving instructions from the attorney general's office, we may possibly get this from a more senior witness, but if I can put it this way, if you can answer. What control has the Attorney General's office over the Ontario

Provincial Police?

A. They would have direct control over the police, sir.

Q. Do your superiors report directly to the Attorney General's Department or office?

A. Well, I would imagine so .

Q. You are not an independent body, in other words, that reports to no one?

A. Well, I think a senior official should answer that better than I, sir.

Q. I see, fine. Now, you were asked what knowledge the Attorney General's Department would have of the raids, and you answered "None, sir". Well, do you know what knowledge they might have of the raids?

A. Well, I would not tell them I was going on a raid.

Q. No, but you would not tell the gamblers either, would you?

A. True.

Q. Presumably on occasion they did have knowledge of your raids, didn't they?

A. Who would have knowledge?

THE COMMISSIONER: The gamblers.

A. The gamblers.

MR. MacKINNON: The gamblers, yes.

A. Well, from the past, what has gone on recently, oh, yes.

Q. Can you say of your own knowledge whether the Attorney General's Department did or

did not have knowledge of your raids?

A. Well, insofar as I know ---

Q. As you are concerned.

A. They had no knowledge. I did not inform them.

Q. You did not advise them. Did you on occasions advise any superior of the raids that you were contemplating?

A. If I did it would only be on a very, very rare occasion. I mean, I had no need to.

Q. You could secure your own warrants?

A. Oh, yes.

Q. Who were the J.P.'s in the office at that time?

A. We had Deputy Commissioner Bartlett was one J.P., Deputy Lochead before him.

Q. You mentioned you only had one J.P. now. Who is he, Bartlett?

A. The Deputy.

THE COMMISSIONER: Wait till he has finished. You asked who they were at that time and he said there was Lochead and he was followed by Bartlett. Were Bartlett and Lochead both there at the same time?

A. Not as Deputies, no, sir.

Q. You only had one?

A. We had under-Deputy Lochead -- we had Deputy Lochead and one other Assistant

Commissioner.

MR. MacKINNON: Q. Both of them being J.P.'s?

A. We had two as J.P.'s at that particular time.

THE COMMISSIONER: I see.

MR. MacKINNON: Q. When did Deputy Commissioner Bartlett become a J.P.?

A. The exact date I could not say. I believe when he became Deputy Commissioner.

Q. And when was that?

A. The exact date I just don't recall.

Q. 1950, 1954, 1958 -- can you give an approximation?

A. It would be around 1958.

Q. Around 1958 and would he then be used on occasions to sign these warrants?

A. Yes, when he was available.

Q. What was Deputy Commissioner Bartlett's title before he became Deputy? Was he an assistant?

A. He was an assistant Commissioner.

Q. Wasn't he a J.P. at that time as well?

A. Yes, I believe he was.

Q. So he might have been a J.P. for some considerable time?

A. For some time, that is correct.

Q. Of your own knowledge you did

use him on a number of occasions to sign these warrants, did you?

A. Oh, yes.

Q. So he would have knowledge of these raids?

A. Yes, the warrant would be placed in front of him for his signature.

Q. Now, coming to the 1954 episode, you stated that with you were Constable Armstrong. Is he still on the Force?

A. Yes, he is.

Q. Where is he now?

A. Kirkland Lake.

Q. And P.C.Wright, the Wright that we have been hearing about?

A. That is one and the same.

Q. Recently. P.C.Scott, is he the other participant?

A. Yes, he is.

Q. And of course Corporal Shrubb is now the Peterborough Police?

A. He is Chief Constable, Peterborough Police.

Q. Now, you stated that you spoke to Mr. Gebertig on the phone. Did he advise you he would be out for the hearings in the morning?

A. I cannot recall the conversation. I mean, it is a matter of record that he did appear.

(Page 135 follows)

E/RJH/1

MR. MacKINNON: Q. And you also say Mr. Carl Herman, do you know the name of his firm?

A. I said it was a Mr. Herman. I do not recall the first name.

Q. Do you know the name of the firm?

A. Well, there were two brothers, and I think Herman and Moses at that time --

Q. So this is in any event one of the Hermans from that firm?

A. That is correct.

Q. Now, your report, a copy of which Mr. Wilson has given to me, I believe must be mis-dated. Have you a copy of it in front of you?

THE COMMISSIONER: What report are you talking about?

MR. MacKINNON: The report on the raid.

THE WITNESS: 1954, I have a copy of it.

THE COMMISSIONER: Dated November the 26th?

MR. MacKINNON: Yes, a report on the raid that took place, paragraph 3(a). You say on Wednesday, November the 24th at approximately 3.15 a.m. -- and then paragraph 5(a) on the next page, you say approximately 9.30 a.m., Thursday, November the 25th, these people were held for a day, were they?

A. No, that was a mistake. That was brought to the attention of Mr. Wilson earlier. That was of the same date.

THE COMMISSIONER: One was darkness and one was in the morning during daylight.

THE WITNESS: We got twisted in the day, sir.

MR. MacKINNON: Was it Thursday, November the 25th, or Wednesday, November the 24th?

A. Wednesday, November the 24th.

Q. Now, with regard to this telephone conversation, and of course I understand that Mr. Shrubb will be called, who also has something to say about this telephone conversation, are you affirming now positively that you did have this conversation with Mr. Grenville Davis regardless of its location in the building? Is there any doubt in your mind about it?

A. None whatsoever, sir.

Q. And he did advise you that he had had a telephone call instructing him to cut this thing off, is that correct?

A. Not to proceed further, yes.

Q. Not to proceed further, and you had some other twenty-seven men, did you not, found-ins that you were holding at that time? Was there any intention on your part to proceed with the examination of these other people as well?

A. I doubt it, sir. I picked the seven men whom I felt would be the most likeliest to talk, if any of them would.

Q. When the eighth man was examined, how long an interval of time between the seventh and eighth took place -- you told us you examined a George Reid as the eighth man, I believe?

A. That is correct.

Q. Was he brought in from the outside subsequently?

A. Yes.

THE COMMISSIONER: From the outside?

THE WITNESS: That is from the hall.

MR. MacKINNON: Q. From the hall where the other twenty-four or twenty-seven, or how many there were, were standing?

A. That is correct.

Q. And then to whom did you report, or for whom did you report at that time?

A. 1954, that was Inspector Tomlinson, the late Inspector Tomlinson.

Q. Now, it is true, is it not, Sergeant, that you had some oral discussion with Inspector Tomlinson, and then with Sergeant Bird of the O.P.P. about this telephone call, isn't that correct?

A. That is partly right, sir, I informed Inspector Tomlinson about it.

THE COMMISSIONER: When?

THE WITNESS: Following the raid, from the return to the office.

MR. MacKINNON: You informed him orally there, right after?

A. Yes.

Q. And is it not a fact you went out to see --

THE COMMISSIONER: Just a moment. Yes?

MR. MacKINNON: Q. Is it not a fact he went out to see Mr. Davis about this telephone call?

A. Yes.

Q. And that was done shortly thereafter?

A. Yes.

Q. Did he report to you on his conversation with Mr. Davis?

A. There were brief words. I can only recall them returning, and he was quite upset about the whole matter.

Q. I would suggest, Mr. Commissioner, Inspector Tomlinson be called on this question.

A. I am afraid the Inspector is dead.

Q. I am sorry, I did not realize that.

THE COMMISSIONER: Well, it does not suffice to say that he was upset, that is a conclusion. What did he do, or say, when he came back?

A. Again, sir, I cannot quote what he said.

THE COMMISSIONER: Can you give me the substance?

A. No, sir, I cannot.

Q. Then if you cannot tell me exactly what he said, or give me the substance of what he said, why do you say he was upset?

A. Well, I worked with Inspector Tomlinson, or worked under Inspector Tomlinson for a number of years, and I knew the man. When he was upset about anything he was mad, he would go red in the face, and at that time he was quite upset about the whole matter. As to

what he said, I do not know.

THE COMMISSIONER: If you -- can you recollect what he said to you?

A. No, sir, under oath I cannot say.

MR. MacKINNON: Q. Well, now let us come to Sergeant Bird, did he also speak to Mr. Davis?

A. Not to my knowledge.

Q. Have you had discussion with Sergeant Bird about this particular matter?

A. Just recently.

Q. Did you advise him at the time of this telephone call?

A. No.

Q. Did Sergeant Bird advise you that he had spoken to Tomlinson about it?

A. Sergeant Bird has advised me that Inspector Tomlinson spoke to him about it.

THE COMMISSIONER: When did Bird say that to you?

A. Approximately two months ago, sir.

Q. Over seven years since before then?

A. Yes, sir.

MR. MacKINNON: Q. And what was Sergeant Bird's recollection of that conversation?

THE COMMISSIONER: Is Sergeant Bird still living?

A. Yes, he is an Inspector up at the Police College.

THE COMMISSIONER: We had better get Bird in then.

MR. MacKINNON: Yes, my lord. I wonder if we could have this man's side of the conversation at this stage.

THE COMMISSIONER: We had better get Bird first.

MR. MacKINNON: Q. Now, turning to the raid itself; whose idea was it to use this Section 624, I believe it was?

A. I was acting under the instructions of Inspector Tomlinson.

Q. And had you discussed this with the Crown Attorney prior to executing the warrant?

A. No, I had not.

Q. Well, did any one else?

A. Inspector Tomlinson I believe did.

Q. So Mr. Davis was aware of what you were planning at that time?

A. What was pending, yes.

Q. So that when morning came he was prepared to go on under this particular section?

A. Yes, sir.

Q. Have you any recollection as to how long the examination, or cross-examination, the hearing lasted that morning?

A. Well, as I have noted in the time, it was about 9.15 in the morning, and I was back to the office about 1.00 p.m.

Q. Where was your office then?

A. It was on Sherbourne Street -- Sherbourne and Gerrard.

Q. What would it be, about half an hour's drive?

A. Approximately.

Q. So the hearing would have been over about 12.30 at the latest?

A. Possibly by 12.00 o'clock.

Q. Possibly by 12.00 o'clock. Could I have the April 21st, 1961, report, Mr. Wilson, please. Now, you did make a report, I believe, you advised us on April 21st, 1961, for Inspector Graham, is that correct?

A. Yes, sir.

Q. And you were asked this morning by Mr. Wilson some very broad questions with regard to question 2 (a), (b) and (c). Now, I propose later to go into those in detail, but have you your report of April 21st, 1961, with you?

A. No, I have not.

Q. Well, Mr. Wilson has lent me his, E/2 if I might just show it to you. Now, you said in this report:

"It is my firm belief that gambling and "bookmaking are organized and that there "is some one of higher authority behind "the organization of McDermott and "Pooley."

Did you make that statement?

A. Yes.

Q. And did you believe that to be true?

A. I believed it to be true.

Q. And then in the next paragraph you say:

"Syndicated gambling is when an organization "branches out from its own immediate area "of operation and takes over controlling "interests in other areas. To operate "in this manner successfully it must "'buy its way' into police forces and "other initial places for the protection "that is so necessary."

Now, did you also make that statement?

A. I did.

Q. And did you believe it to be true?

A. I did.

Q. And then the concluding words:

"I believe that only a Royal Commission "can establish this fact if the proper "persons are subpoenaed to testify."

Now, did you give to Mr. Wilson the names of the proper persons to be subpoenaed to testify?

A. No, sir.

Q. Has he asked you for them?

A. I have been asked for some names, but I am preparing it, and it is not ---

Q. But you will be giving Mr. Wilson these proper names?

A. I think those names are before Mr. Wilson at the present time.

Q. But what I am asking you is, you will ensure that these people are called?

A. I will be submitting certain additional names to Mr. Wilson.

THE COMMISSIONER: Certain additional names?

A. Yes.

MR. MacKINNON: Now, Section 42 as it was in the old Code, it was the section you used in November, 1954, had you used it before?

A. Section 642.

Q. Yes?

A. It had been used once before as I can recall it, sir.

Q. By your branch?

A. By the branch.

Q. And did you use it subsequently?

A. Since Brampton?

Q. Yes.

A. No, sir.

THE COMMISSIONER: What is the present --

MR. WILSON: 147, I think. No, I am sorry, 174.

MR. MacKINNON: 174.

THE COMMISSIONER: Thank you.

MR. MacKINNON: Q. Were you given any instructions either to use it or not to use it, at any time, to your knowledge?

A. No, sir.

Q. Were you ever advised by any of these gamblers with whom you came in contact, that this was a section that they were very concerned about?

A. I wasn't so advised, sir.

Q. Dealing with this November, 1954, Brampton episode, was this ever raised with you by either Feeley or McDermott, subsequently -- subsequent to the fact that you had had this abortive hearing?

A. Not that I can recall.

Q. And I might just ask this, Corporal Shrubb, as he was then, did he make his reports to you, when he did file the formal reports?

A. Yes.

Q. And just talking about those reports, where did they end up, do you know where? Where did they go?

A. Well, any report that we made, we submit two reports, the original and one copy -- they are all typed at the same time, there is the one original and five copies, and I sent mine in to Assistant Commissioner Kennedy.

Q. And do you know where they go from there?

A. Well, they end up in general office, but mine went to Assistant Commissioner Kennedy.

Q. And then Corporal Shrubb would then go through the report with you and forward it on?

A. He would make out a report and submit it to me for my signature to forward on.

THE COMMISSIONER: Where would you forward it to?

A. Assistant Commissioner Kennedy.

Q. So Assistant Commissioner Kennedy

would get two reports, yours and Shrubb's?

A. No, just the original, sir, and one copy would be sent through to Assistant Commissioner Kennedy.

Q. When you came back from the raid did you make a report?

A. In 1954, that particular raid, yes, sir, I made a report.

Q. Is that the one of November the 26th?

A. Yes, sir.

Q. All right. Now, that would be typed up and the original and five copies?

A. That is right, sir.

Q. What did you do with them?

A. The original and one copy would be forwarded to, at this time, Inspector Tomlinson.

Q. Inspector Tomlinson? I thought you said Kennedy.

A. At the present time I am speaking general -- at the present time.

Q. Let us get back and be distinct about this.

A. In 1954?

Q. The report of November 24th went to whom?

A. Inspector Tomlinson.

Q. Now, did Shrubb make out an independent report?

A. No, sir.

MR. MacKINNON: But Shrubb did make out

reports from time to time on what he was doing?

THE COMMISSIONER: He did not make out a report on this one?

MR. MacKINNON: No, that is understood.

THE WITNESS: Yes, on any particular investigation he was on and conducted, he would submit a report on that.

THE COMMISSIONER: If he was the senior officer making the investigation?

A. That is correct, Sir.

MR. MacKINNON: And then it would go through your office to Inspector Tomlinson, is that correct?

A. This is back in 1954?

Q. Yes, and then from Inspector --

THE COMMISSIONER: Just a moment, please. Did Shrubb make any investigations of his own back in 1954?

A. He would make certain raids on premises and that.

Q. Without some one senior to him being there?

A. Oh, yes.

Q. I did not know that.

A. He was next senior officer to myself.

THE COMMISSIONER: All right.

MR. MacKINNON: Well then, I stopped at Inspector Tomlinson. From Inspector Tomlinson it went to whom, in 1954?

A. I believe now that Inspector Tomlinson dealt directly with Commissioner McNeill,

whether he would take those reports in to them or not I cannot say.

Q. Coming once again to this telephone call, you were asked whether you had it in your diary, and you answered no, and you were asked whether you put it in your official report, and your answer was no, but I did not believe you were asked why you did not put it in your official report, and why you did not put it in your diary, and I am now asking you that, sir.

A. I don't know, it was just one of those things, that I just didn't do.

Q. Were you worried about what might happen to you if you did not include it in a report?

A. No, I wasn't. It was verbally reported to my superior, and then it was up to him to take it from there.

Q. Do you know whether he made any note or memo or report of this particular episode?

A. I don't know.

Q. I think that is it for now.

THE COMMISSIONER: Thank you, Mr. MacKinnon. Have you any questions, Mr. Brewin?

MR. BREWIN: Yes, I have, sir.

EXAMINED BY MR. BREWIN:

Q. Sergeant Anderson, I believe that you gave evidence quite recently, did you not, on a related matter?

A. You mean at the trial, sir?

Q. Yes.

A. Yes, sir.

Q. And I believe that a question was put to you by Mr. McDermott, asking you whether the police felt that their raids at Cooksville and Niagara Falls were being hampered by officials, and that you said there was a feeling along that line at times, yes. Did you make that answer to that question?

A. The question they asked me at that time was their conversation in the back room amongst the men, and I said yes.

Q. Did it related to your answer -- did it relate to the raid on the Club that we are discussing here?

A. Yes, it would.

Q. And you did apparently agree with the question that there was a feeling that the raid was being hampered by officials, you agree with that statement?

A. That the men in the back room were talking along that line.

Q. From that back room?

A. Of the anti-gambling branch.

Q. Of the anti-gambling branch?

A. Yes.

Q. And was that in relation to the particular raid in 1954 that we have discussed here?

A. It would be in relation to that, and others, the issuing of the charters in 1957.

Q. I see, and who were -- at this back room discussion was it mentioned who the officials were?

A. No, sir, not to my knowledge. Now, E/3 I don't -- I am not in the back room.

Q. You are not in the back room, but you heard -- you are apparently familiar with this discussion, because you say there was a feeling amongst the squad members. Presumably you knew about that feeling by hearing of it?

A. That is correct, sir.

Q. Did you take part in these discussions?

A. Not that I can recall, sir.

Q. How would you know then that there was this feeling?

A. Well, there is a senior officer out there, I might -- we had lunch together at times, and we referred to these things.

Q. If some of the squad members told you that there was a feeling that they were being hampered by officials, did you not enquire who, what officials they were talking about?

A. No, I didnot, sir, because I guess I had it in the back of my mind they were discontent with the instructions in 1956 that we

not raid these places unless there was a complaint.

Q. And what officials did they receive those instructions from?

A. Well, of course, I received those instructions.

Q. From whom?

A. From the Attorney General himself, Mr. Kelso Roberts.

Q. The official then, in respect to that matter, who was hampering these instructions, in the feeling of the squad members, was somebody in the Attorney General's Department?

A. In relation to that, yes, sir, and the issuing of charters in 1957.

Q. And in regard to the issuing of the charters in 1957, was it the same officials that were referred to then?

A. Well, yes, that was knowledge as to who issued the charters, yes.

Q. You say it was knowledge, who issued the charters. Apparently, Sergeant, it is your view that the Attorney General or his Department issued the charters?

A. Those were -- that was my information from Mr. Common, that the Attorney General had issued those charters.

E/4

Q. So you understand that -- in any event, the Attorney General, you have said, from Mr. Common, that the Attorney General was taking the responsibility of issuing the charters?

A. That is correct, sir.

Q. And that was an action which was felt by the members of the squad to be hampering their attempt to deal with these Clubs?

A. That is right, sir.

Q. And is there any other basis for this, that you knew of, for this feeling that you agreed existed, that officials were hampering the work of the squad members in their raids on clubs at Cooksville and Niagara Falls? You have mentioned the two of them -- I think the raid in 1954, and the charters, and the instructions not to proceed to raid in 1956?

A. 1956.

Q. Was there any other matter?

A. I cannot recall right now, sir.

Q. And then just to make sure we are clear on that matter, you say the officials, although not particularly named -- the officials that were considered to be responsible were whom?

A. That was a term that was used, as I say, I am referring to those two instances that the men had in their minds as to being hampered.

Q. Well, the men had in their minds then the instructions received both times through Mr. Common?

A. No, the first time was by the Honourable the Attorney General himself.

Q. Yes, from the Attorney General himself,

and the second time was through Mr. Common? And there were no other officials so far as you know that were considered at the time this statement was made, with a feeling they were being hampered by officials?

A. No, I cannot name any one else.

Q. Now, Sergeant, if you could turn again to your report, I don't know if you have it, of November the 26th, 1954 -- if you would look at it. I think it is Exhibit No. 7. If you would look -- I think it is the second page of 4(e), I notice that this deals with a Mr. Cominsky, complaining about being kept -- or at least being kept, and then you say at no time was any one treated by a doctor or refused a reasonable request. It is a matter of court record that both lawyers who represent the men stated most emphatically, not once but twice, that there were no complaints against any of the officers conducting the raid?

A. Yes, sir.

Q. Now, what I want to ask you, Sergeant, is, had some one else made a complaint that the officers had not acted properly in conducting the raid --

A. In recalling this incident, Mr. Harry Cominsky was a member who was always on the premises, regardless of the time of the day or night -- pardon me, regardless of the time of night, and I have been there some mornings

until 6.00 or 6.30 in the morning, and Mr. Cominsky has remained on the premises. This particular night he complained of his heart, that his heart would not stand it. He wanted permission to go home, which I refused. I believe it was taken up with their lawyers afterwards, about any complaints, and they had known with regard to that incident.

Q. Have you finished?

A. Yes, sir.

Q. I don't think you answered my question, Sergeant Anderson. Why was it necessary to put this in? Had there been some complaint about the way in which the raid had been conducted?

A. Well, on account of Mr. Cominsky, there was quite a write-up in the paper about this -- the Gestapo tactics of the C.P.P. And I mean -- on any raid it is something I will not permit, to have any of these fellows treated other than the way they should be.

Q. You say that there had been the complaint then, which in a sense was a complaint in the press or which came from Mr. Cominsky, is that correct?

A. Or Mr. Cominsky made the complaint to me, I forget now whether he made it to the press or not, but there was quite a write-up in the paper at that time, and that is what it would refer to.

Q. Do you recall any other criticism

from any other source in relation to the conduct of that particular raid?

A. No, sir.

Q. Would you look at the last page of the report under paragraph 7 -- and I will read it to you:

"The following facts are related by "Provincial Constable Frank Armstrong "as taking place between Joseph McDermott "and him."

MR. WILSON: I propose to call Constable Armstrong who will deal with that matter, thatis why I did not go into it at that time.

MR. MacKINNON: That is why I let it go too.

MR. BREWIN: I still want to ask the witness now.

THE COMMISSIONER: Just a moment until I read this. Do you want to cross-examine him on that?

MR. BREWIN: I had intended to.

THE COMMISSIONER: And you have him to bring that in at some later stage, Mr. Wilson?

MR. WILSON: So far as it relates to Constable Armstrong. I intend to call Constable Armstrong.

THE COMMISSIONER: I think there is something else.

MR. WILSON: There is something else at the foot --

THE COMMISSIONER: There is something else which I think would be proper to ask now. Mr.

Brewin, will you be very much longer?

MR. BREWIN: Not very much.

THE COMMISSIONER: It is 1.00 o'clock.

MR. BREWIN: Perhaps we should have lunch now.

THE COMMISSIONER: We will adjourn then until what time do you consider?

MR. BREWIN: I was wondering -- I would appreciate a little time to get in touch with my office, perhaps 2.30?

THE COMMISSIONER: No, we will make it 2.15.

---Whereupon the Commission adjourned at 1.00 p.m. until 2.15 p.m.

Take AA

--- On resuming at 2.20 p.m.

JOHN MILLS ANDERSON, Recalled on former oath

EXAMINATION BY MR. BREWIN (Continued)

Q. I was questioning you about an item in the report that was signed by you, this Exhibit 7, and it is the report you made on November 26th of the raid, and the last paragraph on page 4, paragraph 7, purports to give an account, I take it, of Constable Armstrong, of an attempted bribe by McDermott of him at this very time of the raid?

A. Yes, sir.

THE COMMISSIONER: Better just read that section of the report.

MR. BREWIN: Q. Yes:

"During the stay of the principal "persons involved in the operation "of the Club, along with those members "that frequent the premises, Joseph "McDermott made it known to me that "he was still hoping for a friend that "could supply the information concerning "the operations of this Branch relating "to him and to the Club. He renewed "his offers at $30,000 to $40,000 or "a nice down payment on a motel somewhere "in the Province. He also made known "to me that he has quite a great deal

"of knowledge concerning my personal
"life. When the court room was being
"cleared to proceed with the case
"involving the Club, J.McDermott, as
"he left, asked me not to forget to
"write down his telephone number for
"future reference, also that he would
"like me to give him my address so
"that he could pick me up to take me
"on fishing trips where we could get
"together and be real friends.
"Provincial Constable Wright overheard
"the conversation concerning the
"fishing trip."

I take it all that was reported to you by Constable Armstrong?

A. That is correct, sir.

Q. My first question on that matter to you is, did you make any further investigations about this alleged offer of a bribe?

A. No, sir, I did not.

Q. And do you know if anyone else made any further investigation about it?

A. No, this was under Inspector Tomlinson's time, sir, and what, if anything he did at that time, I have no knowledge.

Q. Did you speak to Provincial Constable Wright and find out if he overheard this conversation, or get any report from him about it?

A. I got no report, sir. I do not recall whether I spoke to him about it or not, or whether Inspector Tomlinson did.

Q. Did you hear anything further about it, Sergeant Anderson? I take it this is rather a shocking thing, that an officer is being offered up to $20 or $40 thousand by one of these alleged gamblers. Did you hear anything further about this at all?

A. Not about that, no, sir.

Q. Did you find out why no action was taken or if any action was taken?

A. No, sir.

Q. Then if I may turn to another matter, I think you told my friend, Mr.MacKinnon, that at an interview which you, or meeting, at which you and -- was he Assistant Deputy Bartlett? I don't know what his title was.

THE COMMISSIONER: What meeting was that?

MR. BREWIN: July 12th, 1957.

THE COMMISSIONER: Yes.

MR. BREWIN: Q. I didn't know whether he was Assistant Commissioner Bartlett or what his title was .

A. Assistant Commissioner at that particular time, sir.

Q. Then Assistant Commissioner Bartlett, yourself, Mr. Common and Mr. Bowman were present?

A. Yes, sir.

Q. I understood you to tell my friend

that Mr. Common said that the Centre Road Veterans, Roseland Veterans and the Frontier Veterans were to be given a charter and to be given a chance, I think were your words.

THE COMMISSIONER: That is not exactly right.

MR. BREWIN: I am sorry.

THE COMMISSIONER: As I understood it the charters had already been issued.

MR. BREWIN: Q. I see, the charters were already issued, is that right?

A. Yes.

Q. You heard about that the day before, I think, from Bartlett?

A. Yes, that is correct.

Q. And as you say, at the time you were surprised?

A. Yes, sir.

Q. I venture to say a little shocked?

A. Well, very surprised.

Q. Very surprised, and then at this interview that matter was discussed, was it not?

A. Yes, sir.

Q. And at that time Mr. Common said that these clubs, I take it, were to be given a chance?

A. Yes, sir.

Q. Chance to do what? Did he explain what they were to be given a chance to do?

THE COMMISSIONER: Just a moment, please.

Who was it you said they were to be given a chance? Was it Mr. Common or was it Mr.Roberts?

A. Mr. Roberts was not present at the meeting, sir.

Q. I see.

A. Mr. Common was explaining about the issuing of the charters by The Honourable the Attorney General.

Q. I see.

A. And these remarks weregiven by Mr. Common, repeating what the Attorney General had evidently said.

THE COMMISSIONER: Now I have got it, thank you.

MR. BREWIN: Q. Could you expand on that? Given a chance to do what? Did Mr. Common say?

A. I think I was asked that before , sir, and my explanation was -- to be given a chance to prove themselves that they were a bona fide social club.

Q. I see. Now, up to that date you and this squad had made a number of raids and did you know whether they were a bona fide social club up to the date of July 12th 1957?

A. Well, we raided them under the assumption that they were -- was a gaming house.

Q. And although you did not collect any evidence apparently that led you to lay charges, had you any doubt in your mind in July 1957 that they were a common gaming house?

A. I had no doubt whatsoever but what they were.

Q. No, and then they were to be given a chance to reform, I take it then?

A. That could be, sir.

Q. Now, what investigations were made after that date to see whether they did in fact reform or change their operations?

A. Well, only the same type of investigation that we had carried out prior to this, that is, the observations and raiding of the premises.

Q. On the observations and raidings that were made, did you or any member of your squad report to you anything that indicated to you that the nature of the operation had changed at all?

A. Had changed? No, sir.

Q. In other words, if you knew that they werecarrying on a common gaming house before, I put it to you, Sergeant, you continued to know that they were doing exactly the same thing?

A. That is correct, sir.

Q. Therefore they were being given a chance to carry on as before?

THE COMMISSIONER: Well, that is hardly fair, Mr. Brewin.

MR. BREWIN: All right, then.

THE COMMISSIONER: The chance that had

been given them had not been taken advantage of by them.

MR. BREWIN: Apparently not.

Q. I guess it is a matter of history now, is it not, that they were finally closed down in 1960?

A. That is correct.

Q. So the chance to carry on went on for nearly three years?

A. That is right, sir.

Q. And all the time you were fully aware, I take it, of what they were doing?

A. Well, we were fully aware up to a certain point. We were never in there at a time when they were actually gambling.

Q. You were never in any doubt?

A. I was never in any doubt as to what went on.

Q. When was the next report made after that date of July 12th, 1957? Have you got a record of that?

A. Next report with reference to what, sir?

Q. With reference to this particular club. The names changed entirely. I think it was Centre Road Veterans.

A. This is the Centre Road Veterans Association.

Q. Yes, when was the next raid made or observations made after July 12th, 1957, the

date they were to be given a chance?

THE COMMISSIONER: We had better see Exhibit 6.

--- Exhibit 6 handed to Witness.

THE WITNESS: Other observations continued as of October -- pardon me -- August 2nd.

THE COMMISSIONER: When you say "observations" there, do you mean entry into the club building?

A. No, sir.

Q. What do you mean?

A. That is just outside observation as to traffic.

MR. BREWIN: Q. Then when did you get the first warrants after that date?

A. They were all observations throughout 1957, sir.

Q. All observations.

THE COMMISSIONER: How many?

A. After July 12th it appears to be about 19, sir. There are periodic observations. It is not tied down to any particular day.

MR. BREWIN: Q. How many do you say to the end of the year?

A. Approximately 19, sir.

Q. If I may stop on those 19 observations, did that indicate anything new, any change in the nature of the operations?

A. No, sir, there had been no -- I mean, those observations were only in connection with traffic into the premises, not onthe premises itself.

THE COMMISSIONER: What did you do, station a Provincial car nearby and observe?

A. This was done by No. 5 district evidently, not by the anti-gambling branch.

Q. I see.

A. And there would be a car passing by or stationed outside for the time being.

MR. BREWIN: Q. When was the next raid made on the premises?

A. We would have to go into 1958, sir.

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Q. What date in 1958?

A. I have no raids in 1958 but there were two attemps made for officers to try and gain undercover -- to attempt undercover work and try to obtain entry to the premises.

THE COMMISSIONER: As a member?

A. As a member, yes, sir. Both those attempts failed.

MR. BREWIN: Q. Sergeant Anderson, would this be right, that the instruction that I understand was given, that present action was to be cancelled (you told us that that was

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action taken by the district offices) that also applied then to the activities of the anti-gambling squad, did it?

A. Yes, the statement.

Q. So that you were told that they were to have a chance, but you were also told apparently not to conduct any search warrants, or go inside the premises?

A. Yes, the present action was to be cancelled and to follow again if traffic warranted same.

Q. I must have misunderstood what you told my friend Mr. MacKinnon. I thought that you said the present action related to the action taken by district offices?

A. They were in 1957, sir, carrying out -- I mean, the anti-gambling branch was active but the main work in 1957 was carried out by the district personnel.

Q. Would it be a fair thing to say, Sergeant, that after July 12th, 1957, the Anti-gambling squad was not active in respect to these particular premises?

A. For the remainder of that year, yes, sir.

Q. And some time on to 1958?

A. Well, in 1958, I, as I say, attempted under-covering investigations. I had not been successful in raids.

Q. And the reason that they were not ---

THE COMMISSIONER: He just paused for breath.

THE WITNESS: I had not been successful in having raids conducted against the premises to put them out of business. I felt that the best way now was undercover investigation.

MR. ERWIN: Q. In any event was that not tied up with your instructions that present action was to be cancelled?

A. The under-cover investigation part of it?

Q. No, I did not mean. The other ---

A. Well, the raids?

Q. Yes.

A. That is correct.

Q. If I may revert for a moment, if I understood your evidence right, in 1954 prior to the raid in September, there were 25 warrants executed?

A. Approximately that, yes, sir, up to September.

Q. Yes, and then after that none for the balance of 1954, or were there?

A. No, there were about five executed after about September 1st, and twenty-five prior to September 1st.

Q. Thirty altogether, that is right. In 1955 did you say there were two?

A. 1955, I believe that was it.

Q. And none at all in 1956? One,

I beg your pardon, one in 1956, one by Toronto City?

A. Yes, sir.

Q. Now, can you tell me whether the fact that no search warrants were issued during that period had anything to do with the results of the raid in September, 1954? Was that related to that at all?

A. I would have to say no, sir.

Q. Well, were you not discouraged by what happened in 1954 after the raid in September, 1954?

THE COMMISSIONER: September?

THE WITNESS: November.

MR. BREWIN: Q. I am sorry, November, what happened in November, 1954?

A. Well, we had perhaps built our hopes up that one or more of these persons we had picked out would testify and when they didn't -- at least they testified and perhaps not as we had hoped.

Q. Also you were aware that your superior, Inspector Tomlinson, was quite annoyed by some information about the Attorney General having required, or the Attorney General's Department, I should say, having required the proceedings to cease?

A. Yes, sir.

Q. And that was discouraging, was it not?

A. I would say yes.

Q. And had that discouragement anything to do with the fact that during the years 1955 and 1956 there were practically no raids made at all?

A. No, sir, I don't think so.

THE COMMISSIONER: What accounts for the fact there were only two in 1955, and in 1956 one observation -- one entry by the O.P.P. and one by the Toronto City Police. It is a big let-down from 1954?

A. Yes, sir.

Q. What accounts for that?

A. Well, perhaps -- again, sir, I can only say this -- that I think there was a let-down in connection with the Club but we had a tremendous amount of other work throughout the Province, we had other clubs that we were looking after periodically, and they were just let go at that particular time.

Q. Were you understaffed at that time?

A. 1954 and 1955? I think we had somewhere around seven men, I think, of the Force at that time, sir, and we travelled the Province. We had other undercover work. I mean, some men would be out doing under-cover work in different municipalities. We were, as I say, travelling the province pretty well in connection with our duties.

Q. Well, was 1955 and 1956 an unusually

heavy period as compared with elsewhere in the province, as compared with 1954?

A. Right now I couldn't say, sir. I mean, gambling in the southern part of Ontario and the odd trip to the northern part would keep us quite occupied.

MR. BREWIN: Q. Sergeant, you have told us about an interview with Commissioner McNeill and the Attorney General on May 25th, 1956, where you were to execute warrants only on complaint. Do you get many complaints?

A. No, sir.

Q. Do you get any?

A. I have not personally received a complaint on this particular club. The last one I had was an anonymous telephone call that they were drinking.

Q. No complaints about the gaming operations?

A. No. Back when Sergeant von Zuben was in charge of this, he did receive a few complaints, but we never received any enormous amount of them.

Q. I take it that the instructions to execute warrants only on a complaint, perhaps would mean you would not be executing any at all or very few?

A. Very few.

THE COMMISSIONER: You were told on May 25th to execute warrants only on complaints.

Complaints by whom?

A. Well, it was just only complaints, sir. There was no definition of whom or what or anything along that line.

MR. BREWIN: Q. If I may go back for a minute to July 12th, 1957, I am sorry I overlooked to ask you this. You said something about that the charters had been issued through Sol Gebirtig. Did you get anything more on that, or is he just the lawyer who made the application, or what do you know about that?

A. The way itwas stated was that Mr. Gebirtig had been inthe Attorney General's office when the suggestion was made to him that why didn't they have provincial charters.

THE COMMISSIONER: Who said this?

A. Again, this was the conversation by Mr. Common as to the issuing of the charters by the Attorney General.

Q. When? It could not have been on July 12th, 1957 because as of that date the charters had been issued?

A. Well, no. I mean this was the conversation at that time.

Q. At what time?

A. On that date by Mr. Common.

Q. What date?

A. Excuse me, 1957. July 12th, 1957, sir.

Q. Well, the charters had been issued

Q. And a charter was issued at any rate to the Club. My friend reminds me that apparently itwas not through Mr. Gebirtig. Or another firm.

A. Well, I am only repeating what was said, sir.

Q. Then I just want to ask you one or two more questions. In regard to AA3 the premises themselves, I have a statement here which indicates that the Anti-gambling squad, which was your squad had made report after report of its efforts to close the Club. That would be true, of course?

A. That is correct, sir.

Q. And that these reports said the building has steel-lined door and barred windows, with vicious dogs outside. Is that so?

A. Steel-lined door? They had a very heavy plywood door. The windows at one time were covered with a very heavy steel mesh, and they did have vicious dogs on the outside.

Q. I see, and this was all reported, I take it, in various reports you made on these premises?

A. From time to time, yes.

Q. And this was before the charters ---

THE COMMISSIONER: Just a moment. Reported to whom?

A. Submitted in our reports, sir, after these raids.

Q. To whom, reports to your superiors?

A. Yes, sir.

MR. BREWIN: Q. And I take it that that would be before the provincial charters were issued which you told us -- Assistant Commissioner Bartlett told you about in July of 1957?

A. Yes.

Q. Did the physical nature of the premises change at all after July, 1957?

A. They changed in this respect, that the Fire Marshall's Department was called in, and fire exits and the fire escape on the side of the building was installed.

THE COMMISSIONER: Fire Marshall called in by whom?

A. By the Attorney General, sir.

MR. BREWIN: Q. I think it was Chief McGill described it in a letter as having a fortress-like appearance. Would that be a fair description?

A. Yes, I would say that is quite ---

Q. And it was still like a fortress after July, 1957 as well as before?

A. It was a fortress from the day it opened up.

Q. Were you asked or do you know if

A. Registered in one company, sir.

anybody was asked before the charter was issued; were you or anybody inthe Anti-gambling squad asked your opinion as to whether the charter should be issued?

A. No, sir. I received from the Assistant Commissioner Bartlett -- I was asked to report on these certain persons who were mentioned as being the applicants, but I was not asked as to the issuing of the charter.

Q. Who were the applicants?

THE COMMISSIONER: Just a moment, you say that Bartlett -- this is before the charters were issued, provincial charters?

A. This is before themeeting in Mr. Common's office, yes, sir.

Q. Before July, 1957 Bartlett asked you what?

A. He mentioned nine names, three for each Club, and he asked for me -- asked me for a report as to what I knew about each of the individuals.

Q. Did you give him a report?

A. I did, sir.

MR. BREWIN: Q. Was the report a favourable report?

A. No, sir.

Q. Unfavourable?

A. Unfavourable.

Q. Were any of the people whose

names were amongst the applicants, known to you as being involved in gambling activities?

A. Yes, sir.

THE COMMISSIONER: Who werethe applicants, have you got a record?

A. I haven't it with me, sir.

MR. BREWIN: Q. You haven't it with you?

A. Not the names of those.

MR. BREWIN: I think perhaps we should, if you see fit, Mr. Commissioner, ask him to get the names.

THE COMMISSIONER: Have you got them?

MR. WILSON: We have them, Mr.Commissioner. If I had not confined this thing to one incident, I would have developed all this this morning.

THE COMMISSIONER: It will be developed later. If you have the names now, why not hand them to Mr. Brewin?

MR. WILSON: Possibly we could have the witness identify this as a copy of his report. I only have a photostat at the moment. It is the report dated July 11th, 1957 from this witness to Assistant Commissioner J. Bartlett.

MR. MacKINNON: Is that dated?

MR. WILSON: July 11th, 1957. That is the only copy I have. Well, the original has been handed to me and I think we might mark it as Exhibit 9.

--- EXHIBIT NO. 9: Report dated July 11th, 1957, Sergeant Anderson to Assistant Commissioner Bartlett.

(Page 186 follows)

MR. BREWIN: Q. I won't pursue it at length now. It is apparent, is it not, from your report made in July 11th, 1957, that you were revealing that some of the personnel applying for this club were connected with [redacted] bookmaking and gambling?

A. That is correct, sir.

Q. And your last remark says:-

"The three above-mentioned clubs are
"the same ones that have been under
"constant investigation for the past
"few months by our local detachments
"and the ones which the Fire Marshall's
"Department saw fit to investigate.
"With the exception of one man, all
"the others are known to me to have
"been connected in some way with
"with these clubs."

A. Yes, sir.

Q. This is dated July 11th and is a memorandum to the Assistant Commissioner Bartlett?

A. That is correct, sir.

Q. And I thought it was just about this date that you were informed that these charters had been issued. You said that July 12th was the date of your interview with Mr. Common and Bartlett, I think, and was it the very day that you put in your report?

A. That the charter was issued?

Q. Yes.

A. Well, that I don't know, sir.

Q. You don't know for sure?

A. I don't know.

Q. But you were told by Bartlett apparently that charters had been issued on the day before the 12th or were going to be issued?

A. They were going to be issued, and he asked me - gave me the names of these nine men and asked me for a report as to what I knew about them.

Q. And was this report that you submitted, discussed at the interview of July 12th when Mr. Common was there and said that they were to be given a chance?

A. That I can't recall, sir.

Q. Thank you.

RE-EXAMINED BY MR. WILSON

Q. Do you recall whether or not as the result of the meeting of July 12th, 1957 a copy of Mr. Common's report to the Attorney-General was forwarded to the Commissioner of the Ontario Provincial Police?

A. I did not know about that until very recently, sir.

Q. Well, you do know now that there was a written report by Mr. Common in respect to this

meeting of July 12th, 1957 addressed to the Attorney-General?

A. I don't know that. Maybe I am getting you wrong about the meeting I had with Mr. Common, that there was a report on that addressed to the Attorney-General? That I don't know, sir.

THE COMMISSIONER: How would he know that?

MR. WILSON: Well, he has indicated that he did not know it at the time but he knew subsequently. I was just enquiring as to how he knew it.

A. What I am referring to as July 12th, sir, is the fact that the present action to be cancelled, I understand that there was a report following up that.

Q. A report to whom?

A. It would be to the Assistant Commissione

Q. And who would that be?

A. As to the actions. At that time it was Assistant Commissioner Bartlett.

Q. And it would be from whom?

A. Now, I don't know, sir.

Q. Well, possibly we can get that.

A. That could come from another source.

THE COMMISSIONER: Well, you have left it up in the air at this point, Mr. Wilson. I thought you were suggesting to the witness that Mr. Common having been the spokesman at the

meeting on July 12th, 1957, later gave a report of what then transpired to Mr. Roberts.

MR. WILSON: That is exactly what I did say, and I show the witness a copy of a report dated July 12th, 1957, from Mr. Common to the Attorney-General, Mr. Roberts.

Q. Would you look at that document and tell me whether or not you have ever seen it?

A. No, sir, I have not.

Q. Well, are the facts as set out in that memorandum in accordance with what occurred on July 12th?

A. Mentions the three charters being issued, at the three premises. Yes, it is basically - discontinue present action - yes, sir.

Q. I will read that into the record and possibly we can have the original later on. It is dated July 12th, 1957, from Mr. W.B. Common, Q.C., Deputy Attorney-General, to The Hon. A. Kelso Roberts, Q.C., Attorney-General:-

"Suspected Gambling Clubs

"In order to keep you informed "on this matter and pursuant to our "telephone conversation on the 11th "instant, I understand from the Provincial "Secretary's Department that the follow- "ing Provincial charters are being issued:

"Centre Road Veterans' Association

"Roseland Veterans' Association

"Frontier Veterans' Association

"on the understanding that these clubs
"will occupy the premises presently
"occupied respectively by:
"Unit 326, Army, Navy and Air Force
"Veterans in Canada,
"Roseland Unit 327, Army, Navy and
"Air Force Veterans in Canada,
"Canadian Merchant Navy Veterans'
"Association.

"A conference was held this morning
"between myself, W.C. Bowman, Q.C.,
"Assistant Commissioner Bartlett and
"Sergeant Anderson of the Anti-Gambling
"Squad.

"Keeping in mind the desired end
"result, that these clubs must not be
"permitted to operate gambling houses,
"the following instructions have been
"issued, which I understand is in line
"with your views in this matter:

"'The RCMP Provincial Police will
"'no longer continuously park outside
"'the premises and will not take the
"'names of those who enter, but they
"'will maintain observation by way
"'of periodic patrol and will make
"'raids when evidence is available which
"'would justify the same.'

"You will be kept fully informed as
"to the operations of these premises."

And you say that that in substance is what was decided upon on 12th July, 1957 at this meeting?

A. Basically, yes, sir, as I already, I believe, indicated - the present action to be cancelled, to follow again if traffic warrants same.

Q. And I particularly call your attention to the words in the instructions that were to be issued as the result of that meeting:-

"..... and will make raids when evidence "is available which would justify the same" Was that your understanding, were those your instructions?

A. Well, if traffic warranted.

Q. That is what you mean by "if traffic warranted"?

A. Warranted, that was the ----

Q. So at that meeting, there was no suggestion that if evidence was available that raids should not be made on these clubs?

A. No, sir.

Q. And at that time on July 12th, 1957, did the Attorney- General not give a press release to the papers explaining why the Provincial charters had been granted to these three clubs?

A. I believe there was a press release, sir.

Q. Do you recall reading it at the time?

A. Well, I can't recall what was said but I believe there was a press release.

Q. I have here a copy of the press

release, Mr. Commissioner, which is dated July - my copy makes it difficult to read the date. I would think it is July 18th, 1957. I find that that is the correct date and now I have a copy of the release which I think I can read. It is issued by The Hon. A. Kelso Roberts, Q.C. July 18th, 1957.

"From time to time there have been "comments in the press concerning "alleged gambling in certain premises "occupied by clubs operating under "Federal Club charters. There are "three of these clubs which have been "mentioned from time to time, one located "in the Windsor area, one in the "Niagara Falls area, and one in the "Metropolitan Toronto area.

" The vast majority of incorporated "social clubs operating in Ontario are "incorporated under the Ontario "Corporations Act, and are subject to "the jurisdiction and practices prescribed "by the Provincial Secretary. These "three clubs incorporated under the "Federal charters have, to say the "least, left themselves open to suspicion "by reason of the nature of the premises "with respect particularly to entrance "and exit facilities, which in the case "of Ontario Incorporated Clubs would

"come under quick attention and
"correction. The Attorney General
"of Ontario has had discussion with
"the former Minister of Justice
"concerning this situation, but
"the latter did not see fit to adopt
"a similar practice with respect to
"federal chartered clubs in existence
"in the Province of Ontario.
" I am glad to say, however, that
"recently the executives of the clubs
"concerned have agreed to subject their
"clubs to the restrictions and require-
"ments of the Ontario authority by
"operating under charter of the
"Ontario Provincial Secretary. The
"Honourable George H. Dunbar has
"kindly co-operated to bring about
"this highly desirable result. The
"new charters contain the following
"provisions which are contained in
"most Ontario incorporated social
"club charters.
" 'The corporation is prohibited
" 'from occupying and using a
" 'house, room or place as a
" 'club which, except for the
" 'provisions of (a) of subsection
" '(2) of Section 168 of the
" 'Criminal Code of Canada, would

" 'be a common gaming house
" 'within the meaning of paragraph
" '(d) of subsection (1) of the
" 'said Section 168; and if it
" 'is made to appear to the
" 'satisfaction of the Provincial
" 'Secretary that the corporation
" 'purports so to use a house,
" 'room or place, these letters
" 'Patent may be cancelled by and
" 'in the discretion of the
" 'Lieutenant Governor.'

"and further:

" 'if it is made to appear to the
" 'satisfaction of the Provincial
" 'Secretary that the premises
" 'occupied by the corporation
" 'are equipped, guarded or other-
" 'wise constructed or operated so
" 'as to hinder or prevent lawful
" 'access to and inspection of
" 'such premises by police or fire
" 'officers or are found fitted or
" 'provided with any means or
" 'contrivance for playing any
" 'game of chance or any mixed
" 'game of chance and skill, gaming
" 'or betting, or with any device
" 'for concealing, removing or
" 'destroying such means or

" 'contrivance, these Letters
" 'Patent may be cancelled by
" 'and in the discretion of
" 'the Lieutenant Governor.'
" It will be seen that operating
"in this way under their new charters,
"these clubs which have been suspect
"will be able to operate if they do
"so in a legal manner but if they
"carry on illegal practices they
"will be subject to speedy and
"effective discipline.
" This problem for a number of
"years has given great concern to the
"public and the law enforcement
"authorities and has been a very
"difficult one for the latter to
"resolve. The corporate changes
"indicated in the foregoing statement
"should be beneficial.
" A. Kalso Roberts".

(Page 200 follows)

MR. WILSON: You will recall that press release being given?

A. I recall a press release, yes, sir.

Q. Now, so far as the Ontario Provincial Police is concerned, you have concurrent jurisdiction with the local police forces throughout the Province?

A. Yes, sir.

Q. And in some instances you actually police portions of the province and certain municipalities under contract?

A. Yes, sir.

Q. And in the case of the anti-gambling squad, do you go into a municipality or a township without consultation of the local police authority?

A. We do at times, other times depending on the work we go in with the municipal police.

Q. Now, in the case of the Centre Road club, what were the arrangements between the Ontario Provincial Police and the Township of Toronto?

A. We had no arrangements that I am aware of.

Q. You had no arrangements that you know of?

A. No, sir.

Q. Did you ever consult with the

Chief of Police of Toronto Township from time to time, Chief McNeill?

A. Not until about the end of 1958, sir.

Q. And up to that time did the local Police force take any part in either the surveillance or the carrying out of any raids on the Centre Road Veterans Club?

A. Well, I think they would be best able to answer that than I, sir. I mean, there is the odd time wedid raid together, but normally speaking we made raids on our own.

Q. Now, this problem of gambling clubs in Ontario is one that has concerned the Ontario Provincial Police and the Attorney General's department for a great many years, is that not correct?

A. Yes, sir.

Q. And it was not restricted -- the problems were not restricted to the three clubs that we have been discussing, particularly today, but I take it they were the most difficult?

A. They were the most difficult, the main ones, yes, sir.

Q. Do you recall making a report dated January 18th, 1962 addressed to Chief Inspector H. H. Graham?

A. Right now I could not say, until I see it.

Q. I will let you have a copy of it. And it is headed Memo to Inspector H.H.Graham, C.I.D., diary notations for years 1954 to 1958 inclusive.

"In connection with your verbal
"request for all notations contained
"in my diaries relating to the
"meetings held at the Parliament
"Buildings which I attended, the
"following, with exception to
"paragraph 1, 2, 4, 12, and 15,
"are relevant to the said meetings."

I am sorry, there does not appear to be any copy -- there are no copies available.

A. I believe I have one, sir.

Q. Have you more than one copy?

A. March 5th, was it sir?

Q. January 18th, 1962.

A. No, I have March 16, 1962.

Q. Well now you are producing -- have you copies of this one?

A. I have another copy of that one.

Q. Well now, is this one that you are now producing an elaboration of the one January 18th that I have referred you to -- does that cover the same subject matter?

A. Yes, sir.

Q. Well, possibly you might introduce this document as an exhibit rather than make reference ---

MR. MacKINNON: What is the date of that letter?

MR. WILSON: March 16th, 1962.

THE COMMISSIONER: We had better mark it then as Exhibit No. 10. It is a report dated March 16th, 1962 from the witness to Chief Inspector Graham, with respect to diary notations, I suppose that is in your diary?

THE WITNESS: That is my diary, yes.

Q. In thewitness' diary, confidences which the Honourable, the attorney general Kelso Roberts, and the Deputy Atterney General, Mr. W. B. Common, from 1956 to 1958 inclusive.

MR. BREWIN: There was some reference, Mr. Commissioner, to some report of January 18th, I don't know if that has gone in or not.

THE COMMISSIONER: One thing at a time. We will get this one in first.

--- EXHIBIT NO. 10: Letter dated March 16, 1962 addressed to Chief Inspector H.H. Graham, C.I.D.

MR. WILSON: Now this is a little different then, another memo which you made on March 5th ---

THE COMMISSIONER: Now just a moment. To keep the record clear -- excuse me, Mr. Wilson, you asked him earlier about some report dated in January?

MR. WILSON: That is right.

THE COMMISSIONER: Now let us clear that up. Mr. Brewin is a bit confused, and so am I. Did you make some report in January of 1962?

THE WITNESS: Along this line, yes, sir, I did.

THE COMMISSIONER: And have you got it?

THE WITNESS: I have not got it with me.

THE COMMISSIONER: Have you got it, Mr. Wilson?

MR. WILSON: I have it, Mr. Commissioner, yes.

THE COMMISSIONER: Show it, and see if he recognizes it.

MR. WILSON: Yes.

THE COMMISSIONER: Was that a copy of the other report you made?

THE WITNESS: Yes.

THE COMMISSIONER: Read it into the record, since you have not the original here.

MR. WILSON: It is dated January 18th, 1962, memorandum to the Chief Inspector, H.H. Graham, C.I.D., diary notations for the years 1954 to 1958 inclusive,

"In connection with the above noted
"subject and your verbal request for
"all notations contained in my diaries,
"relevant to meetings held at the

"Parliament Buildings which I
"attended, the following with the
"exception of paragraphs 1, 2, or
"12 and 15 are relevant to such
"meetings."

Then follows a reference to the appointment of Staff Sergeant Tomlinson and that is in paragraph 1, and I take it that is, what you say, not relevant.

A. Yes, sir.

Q. And then the next is 1955, October 7th notation.

"11.30 a.m. With Staff Inspector
"Tomlinson, the Commissioner E.W.
"McNeill's office, re branch policy"

and then

"This date I was informed by Inspector
"McNeill I was in charge of branch
"inspector Tomlinson to remain as an
"advisor."

THE COMMISSIONER: What date is that?

MR. WILSON: October 7th, 1955. And then the next item is under thedate of 1956, May 25th notation.

"10.30 a.m. with Commissioner E.
"McNeill to Attorney General's
"Department - K. Roberts - gaming
"house - execute warrants only on
"complaints - discontinue trying to
"get officers in for time being - to

"see what happens - confirmed by
"Commissioner McNeill."
1957 - March 25th - Notation;
"3.15 p.m. meet in Commissioner's
"office. Commissioner, Mr.N.Phelps,
"Staff Inspector Macleod, Neil,
"Trimble, Assistant Commissioner
"Bartlett, Inspectors Hand and
"Ramsbottom re clubs."

THE COMMISSIONER: Well, now, does that refer to any meeting in the Attorney General's office?

THE WITNESS: No, sir, that wasn't to do with the Attorney General's department, but I was instructed to add it in.

THE COMMISSIONER: All right.

MR. WILSON: I think that is probably paragraph 4 where he says it is not applicable. The next entry is April 5th -- notation

"With Commissioner McNeill to the
"Parliament Buildings re Attorney
"General K. Roberts - Fire Marshall
"Scott re Windsor Club".

BS2 Now, what was that meeting about?

THE COMMISSIONER: If you are going to read it into the record why not complete it?

MR. WILSON: And then April 24th - notation

"11.00 a.m. with Commissioner McNeill
"to Mr. Bowman's office".

April 25th, notation

"10.00 a.m. with Commissioner McNeill
"to Mr. Common's office."

July 12th notation

"10.00 a.m. with Assistant Commissioner
"Bartlett - Mr. W. Common's office -
"W. Bowman - Attorney General, Kelso
"Roberts issued provincial charters -
"Centre Road Veterans Club - Roseland
"Veterans Club - Veterans Club (Frontier)
"through Saul Gebertig - to be given
"chance - present action to be cancelled
"- to follow again if traffic warrants
"same."

September 19th - notation

"3.20 p.m. Inspector re Attorney General
"Kelso Roberts, W. Bowman, Mr. Silk,
"Commissioner H.V.McNeil."

October 9th - notation

"10.00 a.m. attend meeting Mr. Common's
"office, Parliament Buildings - Commissioner
"McNeill, Assistant Commissioner Bartlett,
"Inspectors Hand, Ramsbottom, Marsland,
"Sergeant Hatch re clubs."

1958 - June 3rd - notation

"Contact Mr. Bowman re telephone call -
"advised of club operating in Niagara
"Falls, Ontario - information from
"Mr. B. Humphry, lawyer - same premises
"complaint received during past week".

Now that I take it would probably be paragraph 12 referred to in the opening, as being not applicable. June 20th - notation -

"9.45 a.m. Mr. Common's office and "Mr. Bowman re action to be taken "re Fort Erie Club - undercover "investigation to continue. Periodical "raids to start in conjunction with "Niagara Falls headquarters and Bertie "Township police department".

October 7th - notation

"10.30 a.m. attend meeting Crown "Attorney Forsteil and Mr. Bowman - "Ramsay Club".

October 15th - notation

"Consult Mr. W. B. Bowman re Mr. Hockvert "- Buffalo - advised too complicated -- "forget - proceed with officer who was "in Buffalo Club re Ramsay Club".

December 17th - notation

"10.00 a.m. with Assistant Commissioner "Kennedy - Mr. Common's office re policy "Vets Club, Toronto Township - advised "to contact Chief Constable McGill".

1959 nil. 1960 nil. 1961 - September 1st - notation

"10.00 a.m. with Commissioner to "Mr. Common's office - Mr. Bowman "present - re statement by self in "brief re R.J.Wright."

September 11 - Notation

"3.15 p.m. to Mr. Common's office -
"Mr. Bowman present re typewritten
"statement prepared by Mr. Common
"re September 1st meeting."

Now coming back to the entry there, did they cover substantially -- I think they did cover substantially the same dates shown in your report of March 16th?

A. No, sir, there is a difference between the two. In the March 16 there were certain dates that were left out.

Q. Certain dates were left out?

A. Yes, sir.

THE COMMISSIONER: March 16th again in 1956. The January one began in?

THE WITNESS: 1954 and 1955, really had nothing to do with the Attorney General's Department.

THE COMMISSIONER: I see.

MR. WILSON: Well, take the entry of March 25th?

MR. MacKINNON: What year?

THE COMMISSIONER: 1957.

MR. WILSON: 1957.

THE COMMISSIONER: And that is not in the Attorney General's Department either?

THE WITNESS: No, sir, that was to do with Commissioner McNeil.

MR.WILSON: I find you made another report

dated March 5th, 1962?

A. There are three reports made on that, sir. I made the first one out, and then I was instructed to elaborate, and when I made the second one out -- and then when I was in conference with you I was instructed to make out the third one.

Q. Well, possibly, Mr. Commissioner, we should have all three in, because I notice they are different.

THE COMMISSIONER: Yes.

MR. MacKINNON: I notice that there was an error in this copy. I have April 1957 and it was left out, and I think it is in his diary.

MR. WILSON: April 20th in the report of January the 18th.

MR. MacKINNON: I thought it was just April 1st he had any.

MR. WILSON: April 1st and April 2nd.

THE COMMISSIONER: Well can't we get all those and pin them together and mark them as one exhibit.

MR. WILSON: Yes, we can, Mr. Commissioner.

THE COMMISSIONER: Well, attach the reports of January 18th, and March 5th to the one of March 16th and make the three of them Exhibit 10.

MR.WILSON: Yes.

THE COMMISSIONER: We will pause for a moment

until you get that done.

MR. WILSON: We apparently haven't got copies of January 18th.

THE COMMISSIONER: Have you got one copy?

MR. WILSON: We have one in my brief.

THE COMMISSIONER: Oh.

THE WITNESS: The second one, sir, is identical as far as dates are concerned except in the second one I was asked to expand on what took place.

THE COMMISSIONER: Well, whether they are or are not, get them all together for what they are worth. Where did you get your copy, Mr. Wilson?

MR. WILSON: From Chief Inspector Graham. There will be no problem of getting another copy. There are two copies -- they are both in brief, Mr. Commissioner.

THE COMMISSIONER: I see. Well then we will complete that when you get that.

MR. WILSON: Yes. This meeting of September 1st, 1961, was that at Mr. Common's office with Mr. Bowman present -- and was that to discuss certain statements that you had made in the memo you prepared for counsel in connection with the prosecution of the Wright, Feeley and McDermott charges?

A. Yes.

Q. And as a result of that was there

a memo prepared which is referred to under the item of September 11th, in this January 18th, 1962, is there a memo setting out what had been discussed?

A. Yes, sir.

Q. And did you sign that document?

A. I did, sir.

Q. And does that document fairly set out your position?

THE COMMISSIONER: What is the number of that brief?

MR. WILSON: The brief is No. 2.

THE COMMISSIONER: There is another brief in the office there, brief No. 2. Let me have it, please.

MR. WILSON: Have you got a copy of this document of September 11th, 1961?

THE WITNESS: No, sir, I have not.

Q. I wonder -- I produce to you a duplicate original of a statement dated September 1st, 1961, which appears to bear the signatures of Mr. Common and yourself?

A. That is my signature.

Q. And that sets out the position taken by you in this conference with Mr. Bowman and Mr. Common, of September 1st?

A. That is correct, sir.

THE COMMISSIONER: Now, what is this, Mr. Wilson?

MR. WILSON: Well, it is a discussion --

certain statements that the witness had made in a memo which he had prepared for use by counsel in the Wright, McDermott and Feeley case -- I might say it is four and a half pages long ---

THE COMMISSIONER: Let me see it, please?

MR. WILSON: Yes. Perhaps if you will look at this, sir.

THE COMMISSIONER: Thank you.

(The Commissioner studies document)

BB3 Now this, if it goes in at this stage will go in in its wrong order, I suggest. This seems to be a report of the conference held on September 1st, 1961 between Messrs. Common, Bowman, Clark and Anderson, during which somebody is discussing an earlier report made by Anderson, the purpose of which was for the guidance of counsel on the Feeley, McDermott Wright trial, am I right so far?

MR. WILSON: Yes.

THE COMMISSIONER: Why don't we get in the report made by him as much of it as may be relevant for the benefit of counsel. Put that in as an exhibit, and then if you want to put this in later as explanations being given by this witness concerning some of the contents of that report.

MR. WILSON: I quite agree that that would be a proper order to follow.

THE COMMISSIONER: Have you got the

earlier report?

MR. WILSON: I have copies of it but I have not got extra copies available because I did not expect this arrangement to be following in this order, in view of what was going on in the City Hall, but I can get copies. Possibly I might put that aside for the moment.

THE COMMISSIONER: All right.

MR. WILSON: Now coming back to Exhibit 6, which is the chronological report of events as to surveillances and exercise of warrants in 1958, does that possibly give me the starting point as of July 12th, 1957, and anti-gambling branch no longer carried out the surveillance and the raiding of the Centre Road Veterans Club for a period of time?

A. For a period of time, yes, sir. Those weren't -- I will make it clear, those weren't my instructions then. When the district men took over in 1957 to raid, I discontinued to let them take it.

THE COMMISSIONER: You discontinued what?

THE WITNESS: I discontinued the branches of observations, and we had not been getting the results, so therefore I decided to let the district men take over and see what they could do without us.

THE COMMISSIONER: I suppose you are pretty well known around this institution by

that time?

THE WITNESS: Yes, I was well known by all the occupants, sir.

MR. WILSON: It is a fact, is it not, that it wasnot until Juneof 1958 that the anti-gambling branch resumed its observation and raiding of the Centre Road Veterans Club?

A. Prior to 1958, sir, yes. But again, I had aman working undercover attempting to get in at that time.

Q. So that while you had ceased the practices or procedures that you had used up to July 12th, 1957, you did endeavour after that time -- I think on two occasions, to get underdover men into the club premises?

A. That is correct.

THE COMMISSIONER: Did you succeed?

THE WITNESS: No, sir.

THE COMMISSIONER: Why didn't you succeed?

THE WITNESS: Well, the one officer held a position with the real estate firm -- one of the members of that firm took him out to the club and made application. One of the members of the club made a visit to Napolatana on a pretext of purchasing a house, and at that house during the investigation he was photographed -- he was photographed at one of the premises, and after that he was dropped.

THE COMMISSIONER: You photographed him?

THE WITNESS: I don't know who took the picture, sir, but there was Mr. Feeley and one other member that was with him at the time, they took one of the others.

THE COMMISSIONER: Somebody connected with the Club apparently got wind of the fact that you were trying to get this man in there?

THE WITNESS: That is right, and photographed him.

THE COMMISSIONER: Just a moment.

THE WITNESS: Photographed him at a time when he was in company with Napolitana, who was a member of the Force.

THE COMMISSIONER: How did the man from the Club, who took the photograph, know that he would find Napolitano and your undercover man together?

THE WITNESS: No, Napolitano was the other undercover man, sir. They had approached him on a pretex_t of buying a house, that is, the members of the Club, on the pretext of purchasing a house. He showed them one premises which was empty, and then he took him to a second premises which was occupied, and while he was at the door making arrangements to take them through the premises, he was photographed on the steps by either Feeley or the man that was with him.

THE COMMISSIONER: Yes?

THE WITNESS: Following that, sir ---

THE COMMISSIONER: What did the photograph prove?

THE WITNESS: Well, I don't know to whom it was shown.

THE COMMISSIONER: Well, no matter to whom it was shown, what would it prove -- that this man was showing somebody a house?

A. No, sir. It showed that someone else who might be recognized as being an O.P.P. officer.

THE COMMISSIONER: I see, it was not the house he was interested in?

A. Of course it wasn't.

MR. WILSON: I see by reference to Exhibit 6 that Napolitano was trying to get in during the period of March 4th to June 4th, 1958?

A. That would be approximately right, sir.

Q. And in the same year from June 12th to June 19th Constable Vertoli?

A. Yes.

Q. Tried to make entry without success?

A. Yes.

Q. And then by reference to Exhibit 6 -- observations discontinued as of June 12th by No.5, D.H.Q., when anti-gambling branch started observations?

A. Yes, following Napolitano's attempt to get in, and then was dejected, then we did take over observations outside the premises on the highway.

Q. Now with reference to the diary notes that you have set out in these memos of January and March of 1962, and by reference to your diaries, isn't it a fact that from 1954 through to 1960 various procedures were being tried out in an effort to try to obtain the necessary evidence to warrant a prosecution that would result in the conviction?

A. Yes, sir.

Q. And that in order to try and cope with this situation, in particular with these three clubs, and there were meetings over those years of the senior men inthe Ontario Provincial Police, amongst themselves, to discuss ways and means of doing it?

A. I believe there were some -- I mean, there was a time -- before my time, but when I took over ---

Q. From the time you took over, which would be?

A. 1955.

Q. 1955?

A. Yes, sir.

Q. Well, speaking from that period would you say that there was consultation between yourself and the senior officers of

BB4

the Ontario Provincial Police from time to time to try to work out means of obtaining the necessary evidence to bring about a conviction of these establishments?

A. Yes, sir.

Q. And also during that same period, after you took over as head of the anti-gambling branch, there were meetings from time to time with officials in the Attorney General's Department to the same end?

A. Yes, sir.

Q. And there is only one other matter at this stage that I want to deal with, and you talked about filing reports, which are reports known as confidential and regular, or is there any distinction in the type of reports that you filed?

A. No, sir. Reports are generally the same. If you want it confidential, then it is typed in the heading that it is confidential.

Q. What is the practice -- what is the difference in practice in dealing with the matters that have confidential typed at the head?

A. I would take that directly over to Assistant Commissioner Kennedy instead of having the mailman pick it up in the basket at the office. I would send it personally or have someone else in the branch deliver it

the Juvenile Instrumental Section time to time to
time to try to work out means of obtaining
the necessary evidence to bring about a
[illegible] of these activities.

B. Yes, sir.

Q. And also during that same period, after you took over as head of the anti-gambling section, there were meetings from time to time with officials in the Attorney General's Department to the same end?

A. Yes, sir.

Q. And there is only one other matter at this stage that I want to deal with, and you gained about fifty reports, which are reports known as confidential and regular, or is there any distinction in the type of reports that you [illegible]

A. No, sir. Reports are generally the same. If you want it confidential, then it is typed in the heading that it is confidential.

Q. What is the procedure -- what is the difference in practice in dealing with the matters that have confidential typed at the head

A. I would take that directly over to Assistant Commissioner Kennedy instead of having the matters put it up in the basket at the office. I would see it personally

personally.

Q. And those reports that did not have confidential on them they would be handled by --?

A. By the mail clerk.

Q. And what about the filing of these reports?

A. Well, there is a copy kept at the anti-gambling branch office. As to the filing and the other, I don't know, sir.

Q. And how many copies of these reports are made out?

A. The forms that we have -- they are stuck together -- they are six pages, therefore there would be one original and five copies. All of those copies would not be retained.

Q. I do not think there is anything else. So that if we look for reports today for three or four years ago, we would not necessarily expect to find six ?

A. That is correct, sir.

Q. Now, you made mention of a Mr. Gebirtig, as being the man who was incorporating these three clubs, who got their charters on July 12th, 1957. Do you know that of your own knowledge?

A. Only that his name was mentioned, sir.

Q. By whom?

A. Mr. Common.

Q. By Mr. Common?

A. Now whether he did in fact do it, I don't know.

Q. And prior to July 12th, 1957, all these three clubs were operating under federal charters?

A. Yes, sir.

Q. Or they were operating as branches of a federally incorporated social club -- I think there is a distinction?

A. Well, the Army and Navy, I imagine, is a one-man charter.

THE COMMISSIONER: It was suggested that the corporate entity came into existence by Act of Parliament.

MR. WILSON: I think that is the case, Mr. Commissioner. That is all at the moment. I will be recalling this witness tomorrow, probably, on another branch.

THE COMMISSIONER: All right. Thank you, sir.

MR. MacKINNON: I wonder if I will be able to examine him tomorrow on a number of things?

THE COMMISSIONER: Yes.

MR. MacKINNON: And will my friend undertake to give us copies of these reports. They have gone in. We would like to look at them over night.

THE COMMISSIONER: Whatever we have will be made available.

MR. MacKINNON: Also, if my friend could clear the record in this connection, because there has been a lot of discussion as to when these three clubs were incorporated under provincial charter. My information was that they were incorporated on July 5th, 1957, and it might help me appreciate and understand these other speeches which have now gone in.

THE COMMISSIONER: Perhaps you can all agree.

MR. WILSON: I asked for certified copies of the charters, which I have, and I will be glad to file them.

MR. MacKINNON: Is my date correct, July 5th?

MR. WILSON: I think it is July 12th, however, you might be quite right.

THE COMMISSIONER: Do you want a five or ten minute recess now?

--- Whereupon the Commission recessed for ten minutes.

--- Upon resuming at 3.55 p.m.

MR. WILSON: I now have certified copies of the letters patent dated in each case July 5th, 1957 issued to Centre Road Veterans Association, Roseland Veterans

Association, and Frontier Veterans Association.

THE COMMISSIONER: We will file those as Exhibits 11A, B, C.

--- EXHIBIT NO. 11: Letters patent dated July 5th, 1957 issued to Centre Road Veterans Association, Roseland Veterans Association, and Frontier Veterans Association.

MR. WILSON: I am now going to call Mr. Gebirtig next. He will be a short witness, and I think possibly Chief Constable Shrubb may be longer. Mr. Gebirtig, please.

SOL GEBIRTIG, Sworn

EXAMINED BY MR. WILSON:

Q. You are a solicitor practising in the City of Toronto?

A. Yes, sir.

Q. And how long have you been engaged in the law in the City of Toronto?

A. I was called to the bar in 1928.

Q. Now, on November 21st, 1954, were you retained as defense counsel to represent certain found-ins who were arrested at the Centre Road Veterans Club in Toronto Township, and who were to be examined at the Court House in Brampton?

A. Well, that is not quite true. I received a telephone call to see if I could arrange bail for these people, and that is what I primarily went out to try and do.

Q. Who called you?

A. I cannot remember.

THE COMMISSIONER: Well ---

THE WITNESS: I received a telephone call from the Club premises. I do not even remember what time it was. I don't remember who called me at that time. I was to notify the Club, after I got to the Court House, and find out what the bail was. I was to call back to the Club and advise them what the bail was, and how bail could be arranged.

Q. Well, what was the name of the Club at that time?

A. I don't remember that.

Q. Well, had you acted for this Club for some time prior to November 24th, 1954?

A. I had acted for originally the Alpha Club. Now, I don't know whether it was the Alpha Club at that time or whether it was some other or whether they were going on under some other name, I don't recall.

THE COMMISSIONER: Just a moment, please. All right.

MR. WILSON: Q. Who was it in the Alpha Club that you did your business with?

A. The Alpha Club -- I did business with Laffradie.

Q. What was Laffradie's first name -- there are two Laffradies, aren't there?

A. I think there are more than two.

Q. The only two I know about -- which one did you deal with?

A. I don't know his first name.

Q. And who else?

A. Reid.

Q. What was Reid's first name?

A. George, I believe.

Q. And who else?

A. McDermott.

Q. You mean Joseph McDermott?

A. Yes. Vincent Feeley -- I think

that about ---

Q. Now prior to November 1954, over what period of time had you acted for the Club?

A. I could not tell you that either. I don't remember.

Q. Was it a matter of years?

A. Well, I don't think they had been operating a number of years at that time.

Q. What is your best recollection?

A. It might have been nine months, a year, I don't recall.

THE COMMISSIONER: As of what time?

THE WITNESS: As of the time that I received the call to go to Brampton. I say that prior to that I may have been consulted during the past year or so. I don't recall, I know that prior to that I believe it was the Alpha Club and I am only speaking -- I am hazarding a guess, that I, along with two other counsel, had been retained to defend -- I believe it was the Alpha Club, on a charge of keeping a common gaming house.

MR. WILSON:

Q. Would that be in 1952?

A. I could not tell you the date, but we did appear. There was myself, Ted Gardiner and Arthur Martin.

Q. And there was a conviction at that time and an appeal?

A. Yes, an appeal, and there was

an acquittal on the appeal.

Q. Now, what was the nature of the services that you rendered to this Club prior to November 24th, 1954?

A. I had been consulted by some of these men that I had spoken about as to how to operate the Club legally, without contravening any of the laws -- what they were permitted to do and how they were permitted to do it.

Q. And at that time ---

THE COMMISSIONER: And had any of them been suggesting that they wanted to operate it illegally?

THE WITNESS: No, my lord. Nobody BB5 suggested that, but they wanted to know what they could carry on, what they were permitted to do in operating this club.

MR. WILSON: Q. And at that time were they operating under a Federal Act or Charter?

A. I believe the Alpha Club was a federal charter -- I believe it was.

Q. And then during that period was there a change of name, to the Army, Navy and Air Force Veterans Association?

A. I don't remember that.

Q. Did you keep the minute books or any other official documents of the Club?

A. No, I didn't.

Q. And who were the people who had

the proprietary interest inthe Club during the time that you acted as an adviser?

A. Just what do you mean by proprietary interest?

Q. Well, who held the assets?

A. Well, the Club held the assets.

Q. And did you ever see any books of account or other documents, that are usually ~~xhxm~~ associated with an incorporated Club?

A. No, I didn't.

Q. Did you inquire about them?

A. No, I wasn't interested.

Q. What was the nature then of the advice that you were called upon to give to this Club?

A. I told them that they were permitted to play cards, that they could gamble in the premises providing there was never a charge of more than ten cents an hour or maximum of fifty cents per day charged to any player that was playing cards or pool. They were permitted to do these things.

Q. Prior to November 24th, 1954, or subsequent to that date, what other social Clubs did you have occasion to advise in connection with their operations in the Province of Ontario?

A. I could not begin to hazard a guess.

THE COMMISSIONER: Can't you remember any of them?

THE WITNESS: Well, he said how many.

THE COMMISSIONER: He said "what other".

THE WITNESS: I would not remember.

MR. WILSON: You can't remember any of them?

A. When you tie me down to a specific date ---

Q. I said either before that November 1954 or after.

A. Oh, I imagine I had been consulted oh, maybe eight or ten clubs over a period of years, maybe fifteen.

Q. Were you consulted in regard to any clubs in the Niagara Falls -- Fort Erie area?

A. No.

Q. In the Windsor area?

A. No.

Q. In the Peterborough area?

A. I acted for a club in the Peterborough area on a charge of gaming.

(Page 230 follows)

Q. What club was that?

A. I don't remember the name of it.

Q. Well, you don't even remember the name of that one?

A. Well, I heard it said, and that was the club.

Q. The Tisdale Club?

A. The Tisdale Club, that is right.

Q. Now, did you ever hear of the Finnish Club?

A. Finnish Club , yes.

Q. Where was it located?

A. Northern Ontario someplace.

Q. And didn't it have a branch here in the City of Toronto?

A. Yes, it did, yes.

Q. And didn't you have something to do with that club?

A. Well, when the Finnish club opened its club rooms I was consulted by it as to what they were permitted to do.

THE COMMISSIONER: Well, who consulted you? Now, don't tell me you don't remember that?

A. No, no, I remember that, my lord. Just let me - a man by the name of Pleschuk.

MR. WILSON: Pleschuk?

A. Johnnie Pleschuk.

Q. Now, what did Pleschuk consult you about?

A. He said that they had a charter, that there was a charter up in Northern Ontario, and they wanted to know could they take a branch off it, and I said, 'Yes'. There was nothing illegal about taking a branch off this club.

Q. And then there was a charge against Silver, John Chappel, and Joseph Pleschuk, who were charged within six months ending the 6th day of March, in the year 1957, did unlawfully engage in bookmaking in theCounty of York. Do you recall that charge?

A. Yes, I recall that charge.

Q. And do you recall your part in that trial?

A. Well, I had no part. I was out there in view of the fact that I had been consulted in connection with this club. I went out to watch the trial.

Q. Yes.

A. I was sitting as a spectator in the room, the courtroom, and the undercover officer who was testifying with reference to the gaming activities of this club referred to the fact that he had been in the club premises, I don't remember the dates, let's assume that it was the month of June, and that he had visited the

Q. Then, what did Jeremiah command
you answer?

A. He said that they had a quarrel,
that there was a chapter up in Morrison Corners.
and they wanted to know could they take a
[illegible] 17, and I didn't [illegible] there
nothing [illegible] about taking a person off from
them.

Q. And then there was a charge
who here charged within six months ending the
6th day of March, in the year 1917, did unlawfully
[illegible] [illegible] [illegible]
to [illegible] [illegible]

Q. Yes, I would like charge.

Q. And do you recall your part
in that trial?

A. Well, I had no part. I was put
there in view of the fact that I had been
connected in connection with this club. I were
out to watch the trial.

Q. Yes.

A. I was sitting as a spectator
in the room. The constable, and the [illegible]
officer who was testifying with reference to the
[illegible] activities of this club referred to the
fact that he had been in the club previous. I
don't remember the dates, but it seems that it
was the month of June, and that he had visited the

Finnish Club during the month of June. Well, there was no Finnish Club in the month of June. I had known that because it was after that that the Finnish Club was - a branch was taken from the Finnish Club and used on those premises, and I pointed out to the counselwho was defending the club that at that time there was no Finnish Club, and that I believed that if he checked the minute book that he would ascertain that during that time it was the Tisdale Club that was operating at that time. The officer had said that he had seen the sign on the window, 'Finnish Club', and there was no such sign.There was a sign on the window,Tisdale Club,during the month of June, or whatever month it was, and I was called as a witness to testify to that, and the defence was interested to show that there was no Finnish Club in existence at that time, and there was a police constable, I believe his name was Scott, on the Metropolitan City Police Force, who testified that during the month of June, that he had seen the name Tisdale Club, or Tisdale Club in the front window, and that, to his best knowledge there was no Finnish Club carrying on at that time.

Q. Well, I see by reference to the transcript of the trial, that you were the sole witness for the defence?

A. No, that is not true. There was

a police constable by the name of Scott on the City - on the Metropolitan City Police Force who testified.

Q. Well, maybe that is - - maybe they haven't - they haven't given me all the evidence?

A. No, there was a police constable by the name of Scott.

Q. Now - - -

THE COMMISSIONER: Did you say you were just there - - -

A. I was just there sitting - -

THE COMMISSIONER: - - as a spectator?

A. As a spectator.

Q. Without being paid for it?

A. Well, I went out to see what was going to happen.

Q. I say, without being paid for it?

A. Yes, I wasn't paid.

Q. Without anybody suggesting you go out?

A. No.

Q. Out of sheer curiosity you went out?

A. That is correct, my lord.

THE COMMISSIONER: Do you practice alone?

A. Yes, I do.

MR. WILSON: You were solicitor for the club at that time?

A. Well, I don't know whether you would say I was solicitor - I had been consulted, but I was on no retainer, and I assumed that if there was some business that I might have got it, but I wouldn't say I was the solicitor, because I happened to be consulted originally, and they may have gone to anybody they chose.

THE COMMISSIONER: What had they consulted you about originally?

A. Whether they could take a branch off.

Q. Oh, yes, you told us that.

A. Off that, and - -

MR. WILSON: Now, who was the spokesman who asked you that?

A. Pleschuk.

Q. Pleschuk, and I see at page 103 of this transcript you were asked:

"What are you going to call the club "next week?"

"A. This club has been in operation "since January 30th. I am only the "solicitor for the club. If need be we " might operate in another charter - "nothing improper about that."

A. That is right.

Q. Do you remember your being asked

that question and giving that answer?

A. I don't remember.

Q. Is it true?

A. It could be true. Yes, it is true.

Q. Yes - - -

THE COMMISSIONER: Have you left November 24th, finally, or are you going back to that?

MR. WILSON: I am coming back to it finally. There is one other matter I want to deal with before I come back to it. In the speech of Mr. Wintermeyer, which is filed as Exhibit 3, on page 94 he made this statement, about the middle of the page of the first column on page 94.

"Again, Mr. Speaker, I do not
"think it proper to cite all the
"things involved because I realize
"a lawyer can easily be fooled in
"a matter of this sort. However
"I shall cite two notorious examples
"and again I remind the House that
"every club I shall name has been
"closed down or is suspected by the
"police of illegal gambling.
" Sol Gebirtig, a Toronto lawyer,
"has acted for the Lakeview Club, the
"Garment Centre Recreation Club, the

"Jordan Club, the Bellevue Club,
"the Colonial Club, he was the
"sole defence witness in the 1957
"trial of the notorious Finnish Club
"of New Toronto, and his testimony
"at that trial can only be described
"as fantastic. The same man was a
"member of the Jordan Club and has
" been identified in evidence in Court
"as a close companion of Vincent Feeley
"and Joseph McDermott."

Have you read this speech?

A. I read it.

Q. Now, are his statements in regard to the Garment Recreation Club, the Lakeview Club, the Jordan Club and the Bellevue Club, and the Colonial Club, correct?

A. I have done work for the Lakeview Club, I have done work for the Bellevue Club. I don't recall the Garment Centre. I don't remember that. What are the others?

Q. The Bellevue Club?

A. Yes, I have done work for them.

Q. The Colonial Club?

A. I have done work for them.

Q. And the Jordan Club?

A. I have done work for them.

Q. The Finnish Club of New Toronto?

A. Yes.

THE COMMISSIONER: What kind of work?

A. Well, the odd time they would come in and ask me about the - give me notice of the annual meeting, and ask me to draw it for them, and I would draw the annual meeting, make a charge for it.

THE COMMISSIONER: Anything else?

A. They might come in and ask me whether we could do certain things in the club, such as buy a frig, and so on, where the money was to come from, and how they were to assess their members and so on.

THE COMMISSIONER: Anything else?

A. Yes. Whether they could shoot craps, or play dice in the club.

THE COMMISSIONER: Anything else?

A. Whether they could play poker for any stakes that they wanted to play for.

THE COMMISSIONER: Yes, and anything else?

A. Not that I can remember, sir.

MR. WILSON: Now, what do you say about Mr. Wintermeyer's statement that you were a close friend - a close companion of Vincent Feeley and Joseph McDermott?

A. Well, I don't know about being a close companion. I have been on a couple of fishing trips with them, and I have done some legal work for McDermott. I don't know whether

that would be classed as a companion of him.

Q. And over how many years have you known these two gentlemen?

A. Oh, I would say maybe eight, ten years.

Q. And what - which of these clubs that we have just mentioned, and which were mentioned by Mr. Wintermeyer, were Vincent Feeley and Joseph McDermott interested in?

A. Well, would you clarify what you mean by interested in?

Q. Well - -

THE COMMISSIONER: What do you think is meant by that?

A. Well, I mean whether they were members, or whether they belonged to the clubs, or so on. I don't know what my friend means by interested in.

MR. WILSON: Well, in any of the legal work that you did for any of these clubs, was it as a result of a request from either McDermott or Feeley?

A. I had a request from - from McDermott and Feeley with the original Alpha Club.

Q. Yes. That is not one of the clubs mentioned here?

A. No.

Q. What about the Lakeview Club?

that would be classed as a confession of him.

Q. And over how many years have you

known that Gwaltney?

A. Oh, I would say maybe eight

or ten years.

Q. And what - watch of these clubs

that we have just mentioned, and which were

mentioned by Mr. Blackwell, does Virgil

Seeley and Joseph Hobermark interested in?

A. Well, would you classify what

I am - Well -

Is Constitution; what do you think

about it now?

A. Well, I mean whether they were

members, or whether they belonged to the clubs,

or no or. I don't know what my friend means

by interested in.

Q. Either! Well, in any of the legal

work they did for any of these clubs, was

it as a result of a request from either Hobermark

or Seeley?

A. I had a request from - from

Hobermark and Seeley with the original Alpha

Club.

Q. Yes. Just in not one of the

clubs mentioned here?

A. Oh!

Q. What about the Executive Club?

What were the interests of McDermott and Feeley in that club?

A. None - to my knowledge.

Q. Were they members?

A. I wouldn't know that.

Q. What interest did McDermott and Feeley have in the Garment Centre Recreational Club?

A. None that I know of.

Q. What interest did McDermott and Feeley have in the Jordan Club?

A. Well, I believe that they were members in the Jordan Club, and that they were the moving spirit behind it.

THE COMMISSIONER: What do you mean by the moving spirit?

A. Well, they would have the say about the operation of the Jordan Club.

THE COMMISSIONER: What makes you think that?

A. Well, the Jordan Club had a very nice lunch counter, and we used to go down for lunch at the Jordan Club, and have seen McDermott and Feeley around there quite often.

MR. WILSON: Now, what was the interest of McDermott and Feeley in the Bellevue Club?

A. None that I am aware of.

Q. None that you are aware of?

A. No.

Q. And what was the interest of McDermott and Feeley, to your knowledge, in the Colonial Club?

A. None that I am aware of.

Q. And what was the interest of McDermott and Feeley, to your knowledge, in the Finnish Club?

A. I think they were the moving spirit behind that, too.

Q. Now, coming - - -

THE COMMISSIONER: Well, I suppose if they were the moving spirit, they would be the people who would consult you from time to time?

A. No, I was always consulted by Pleschuk.

THE COMMISSIONER: Always?

A. Yes.

THE COMMISSIONER: What was the relationship between Pleschuk and McDermott and Feeley?

A. Well, it was my impression that Pleschuk worked for McDermott and Feeley. That was my impression.

THE COMMISSIONER: What gave you that impression?

A. From certain things that Pleschuk said.

THE COMMISSIONER: Such as?

A. Joe sent me in, or so on.

THE COMMISSIONER: 'Joe sent me in'?

A. Yes.

MR. WILSON: Well, what did Joe - Joe mean to you?

A. Joe McDermott.

Q. Yes, and who seemed to be the moving spirit in the Bellevue Club?

A. I can't remember that, sir.

THE COMMISSIONER: No doubt in your mind that McDermott and Feeley were the moving spirits in the Centre Road Club?

A. Well,now,the Centre Road Club, I believe, was the last charter. Was that the last?

THE COMMISSIONER: Well, do you know the club I am talking about, out on the Centre Road?

A. Well, I knew it as the Alpha Club.

THE COMMISSIONER: All right. Well, they were the moving spirits in that, were they?

A. I couldn't tell you, because I didn't have too much to do with it, after. After I was consulted about opening the club, they left my hands. I had nothing to do with it from then on. I drew no minutes for it, or any of the meetings that were held. I had nothing to do with it, so I couldn't tell you very

much about it.

MR. WILSON: Now, getting back to the events of November 24th, 1954. You say that you were called by somebody you cannot recall, to do something about arranging bail?

A. That is right. It could have been McDermott. It could have been Feeley. It could have been Laffrede. I don't remember who it was.

THE COMMISSIONER: What time of the day was it?

A. It was - I was in bed, I know that. It was midnight or later.

THE COMMISSIONER: Well, when this voice spoke to you on the phone, didn't you say who is speaking?

A. I certainly did. I knew at that time who it was, but I don't remember at this time. It could have been McDermott. It could have been Feeley. It could have been Laffrede. It could have been Reid. It might have been somebody else, but I knew at that time, but I don't remember, eight years later who phoned me.

THE COMMISSIONER: I see.

MR. WILSON: And what did you do following this call?

A. I got in my car and I went out to Cooksville Police Station and I asked whether the men who had been taken out of the club in Cooksville

were there, and they said no, that I would find them in Brampton, so I drove up to Brampton jail, and I saw some Sergeant of the Provincial Police, I don't remember who it was, and I asked him where the men were, and he said well, we have got some in the jail, and some in this building over here, so I said to him - he said we have got seven or eight segrated from the rest, so I said, "Well, what is the bail? Can I get bail?" He said, "There is no bail." I said,"what are they charged with?". He said, "They are not charged."

Well, I had never run up against that section of the Criminal Code, until that time, so I said, "What are you going to do with them?" "Well", he said, "We will bring them before the Magistrate in the morning." I said,"Well, what will happen then?" "Well,", he said, "they will be examined and asked questions." "Well", I said, "why do they have to stay in jail all night," I said, "Why don't you take them beforethe Magistrate now", I said,"There are a lot of these men who are respectable legitimate businessmen," I said, "You are going to hold them - - -" I think this was around one o'clock. I said, "You are going to hold them for the next nine hours. If there is no charge, if there is no bail", I said, "surely you can get the Magistrate to hear what has to be said, and if you are going to charge them, charge them, and set bail."

"Well",hesays, "those are my orders." So I asked where I could see the men, and I thought perhaps some of them might want me to call their wives, or something, and he said, "Yes, I have no objection". I said, "Well, where are they?" He said, "They are in Brampton jail". So I walked up to the jail, and the turnkey, I asked him to get - could I see these people, and he said, "Well, I will have to waken the Governor". So he wakened the Governor, and the Governor came down, and I said,"I wanted to see these people." He said, "What are they charged with?" I said, "They are not charged." He says, "Well, if they are not charged, they are not going to stay here," he said, "because they have got to be charged with something before they can stay in this jail."
So I believe he got in touch with one of the Sergeants of the Provincial Police, and said take them out of here, so they were removed to another building. I think it was the school. I don't remember, but it appeared to be a school, and he moved them over there and then I was permitted to see them. I asked them if they wanted me to call their wives and tell them where they were, and so on.

THE COMMISSIONAR: Now, who did you see there? Who did you speak to?

A. Which men?

THE COMMISSIONER: Yes.

A. You mean the prisoners? The men who were arrested?

THE COMMISSIONER: Who among the men did you speak to? Did you speak to all of them?

A. I never knew any of them.

MR. WILSON: Well, what - -

A. I told them that I had been sent out there by the club to arrange their bail, and that I couldn't get bail for them, there was no bail, they would have to wait until ten o'clock in the morning to appear in the court, and I would probably appear for them, but I don't know who the men were. They were strangers to me.

Q. How many were there in this group?

A. I think there were six or seven in that group.

Q. Yes, and then did you - did you stay out there at that time?

A. I asked them if they wanted coffee, and I saw the other chaps as well, and they said they would like some coffee, so I went and got them some coffee, and I asked them if they wanted me to phone their homes. I believe I made a couple of phone calls to tell them that their husbands would be home the next morning, without an explanation, and I waited until ten

A. I never knew any of them.

A. I told them that I had been sent out there by the club to entertain their hall, and that I couldn't get hall for them, there was no hall. They would have to wait until ten o'clock in the morning to appear in the court, and I would probably appear for them, but I don't know who the men were. They were supposed to

group?

A. I think there were six or seven in that group.

Q. Two, and then did you - did you carry out there at that time?

A. I asked them if they wanted coffee, and I saw the other chaps as well, and they said they would like some coffee, so I went and got some cups, and I poured them if they wanted me to pass their names. I believe I made a couple of phone calls to tell them that their business would be done the next morning, without an intimation, but I waited until two

o'clock in the morning. In the meantime I phoned the club, and I told the club that there could be no bail. Now, I am not sure, but I think I spoke with McDermott. Now, I am not positive about that. I phoned the club and I believe it was McDermott I spoke to.

Q. Wouldn't you speak to the person that was going to pay you for your services?

A. Well, I wasn't worried about getting paid.

Q. Who was going to pay you?

A. The club.

Q. Yes, and how did the club pay, by cheque, or by cash?

A. I believe I got a cheque.

Q. A cheque?

A. Yes.

Q. Do you recall who signed the cheque?

A. No, I don't. I don't remember.

Q. Do you recall how much it was?

A. $200.00.

Q. And did you then remain until the examinations took place?

A. I remained until the examinations took place.

Q. And before that court, did you talk to McDermott or Feeley?

A. As I say, when I found out that

there could be no bail, and that there was no charges laid, I phoned the club, and I believe it was McDermott I spoke to, and I told him that there was no need for bail, because there were no charges laid, and that they would have to appear at ten o'clock in the morning.

Q. Well, at that time - at that stage, was McDermott in custody, or was he at the club?

A. He was not in custody. He was not one of the men who had been arrested.

Q. Where is the report?

THE COMMISSIONER: Let me see Exhibit 7. Would you let me have Exhibit No. 7, Mr. Registrar? Here it is here. Thank you.

MR. WILSON: Yes, Exhibit 7, on page 3.

THE COMMISSIONER: Yes, I have it.

MR. WILSON: Did you talk to McDermott and Feeley at all that day?

A. No. I don't remember. I think it was McDermott I spoke to when I phoned the club. They were waiting to find out whether there was bail available, or whether these people could get out on bail, and when I phoned I said there was no bail for them, we would have to go to trial, or there would be this examination the next - - that morning at ten o'clock. I asked them if he wanted me to appear, and he said yes. I think that was all that was discussed.

THE COMMISSIONER: Was the man you spoke to at the club the same man who called you?

A. I - I believe it was the same man. I am only speaking from memory. I don't remember that far back. My lord, it is almost eight years. I am doing my best to refresh my memory, but I certainly cannot recall.

MR. WILSON: Did you say a moment or two ago you went first to Cooksville to the club?

A. No, I went first to Cooksville jail.

Q. I see. But you didn't go to the club?

A. No, I drove right out to Cooksville. I figured that since they had been arrested in Cooksville that they probably would have been taken to Cooksville jail, but I found out later that the jail wasn't big enough to hold the number of people that had been taken, so they moved them up to Brampton.

Q. And how many were there in Brampton in the custody of the police when you got there?

A. I don't know. Maybe 20, 25. I don't recall. 30.

Q. And did you make any phone calls before court convened to anyone at all after your arrival at either Cooksville or Brampton?

A. Yes. I just finished saying that I called the club to advise them that there was no bail.

Q. And who did you call, anybody else?

A. I made a couple of phone calls that I had been asked to by some of the men who were in the - in custody.

Q. Yes.

A. To their homes.

Q. And did you attend in the courtroom when these people were examined, or some of them were examined before Magistrate Blain?

A. I was there when they were all examined.

Q. Did you take part in the examination?

A. I certainly did.

Q. How many were examined?

A. I think there were six or seven or eight. I cannot just say.

Q. And was there any other solicitors there?

A. There was another solicitor came out.

Q. Who was that?

A. Carl Herman.

Q. And who retained him?

A. I don't know. I haven't the

slightest idea.

Q. And was he there throughout this examination?

A. He was.

Q. And what happened at the - after - -

THE COMMISSIONER: Who did he say he represented?

A. Well, I - he said he came out to help me, to assist me.

THE COMMISSIONER: Oh.

MR. WILSON: Had he ever assisted you before in any of these club matters?

A. No, no. I assumed that - I assumed that he had been retained by the club.

Q. And what happened after the examinations were completed?

A. Well, when the examinations were completed, Mr. Davis was the Crown, Magistrate Blain heard the witnesses being examined, when they - after the witnesses had all been examined, my submission was that there was no evidence to lay a charge. The Magistrate agreed with me, and everybody was allowed to go.

Q. Did Herman examine any of the witnesses?

A. I believe he did. No, I don't think any of us examined the witnesses, except

Davis, the Crown Attorney. I don't think I examined the witnesses.

Q. Well, when you say you talked to the found-ins before the examination, that is the group that were examined before Magistrate Blain. Did that take place in the presence of any of the officers?

A. I can't tell you. I don't remember.

Q. And you cannot tell us where you had this discussion with these people?

A. Well, it was in a building that was very close to the Brampton jail, and it looked like - like a school.

Q. Maybe it was the Registry Office?

A. It could have been the Registry Office. It may have been, because that is close by the Brampton jail, yes.

Q. Now, after the conclusion of the examination of these - this group, did you see McDermott or Feeley there?

A. I think that - I think Feeley was there. I think he came up as a spectator. I don't remember. I remember walking down the stairs after the court trial. As I was walking out, some photographer was trying to take a picture, and I think it was of Feeley, I don't remember, and he hid himself.

Q. But you have no recollection of

having talked with either McDermott or Feeley on that occasion?

A. You mean the morning of the trial?

Q. Yes, that is right?

A. No, no.

Q. And where did this group of 25, were they - were they in the - around the courthouse when all this was going on?

A. Which group of 25?

Q. Well, you talked about 25 altogether, and you said 6 or 7 were examined?

A. You mean the other ones?

Q. Yes?

A. I don't know where they were.

Q. Did you ever see them at all?

A. I saw them that - during that night.

Q. That is the larger group you saw during the night?

A. Well, I hazarded a guess that there would be approximately a total of 20 to 25 involved.

Q. Yes?

A. 6, 7 or 8 who had been segregated or removed from the bigger group.

Q. All right.

A. And those were the people who were examined.

Q. Well, did you talk to the

Survey Group XIII client reference Mr Peter
or Yes/ Monday

A. You mean the meeting at the Hilton

C. Yes, that's right

A. No, no.

C. And where did this group of

C. were they - were they in the - around the

Shaftesbury Ave all this and going out

A. Hotel group of 25?

C. Well, you talked about 25,

Ribbenhurst, and you said 6 or 7 were overseas?

Yes, that's the other group

C. Yes?

I didn't like your tone,

You put your own them as ally

I am then there - during that

Again,

C. That is the larger group you

can during the night?

A. Well, I recorded a guess that

there would be approximately a total of 20 to 25

invited.

C. Yes.

A. C. 7 or 8 who had been

recognised or received from the bigger group.

C. All right.

A. And those were the persons who

were invited.

C. Well, did you talk to them

segregated group before the examination, or the larger group?

A. Both.

Q. Both?

A. Yes.

Q. Do you recall whether or not you conducted that discussion with those two groups in the presence of officers, or just on your own?

A. I don't remember.

Q. You don't remember?

A. I remember I did walk in, and I told them that they couldn't get out on bail, that I was there to arrange bail for them, that they were going to be held, and they would be brought in court at ten o'clock the next morning, and that they would have to stay there, and if they wanted some coffee, that I would get them some coffee, and if they wanted me to make a phone call, I would do the same thing.

Q. Now, did you run across George Reid?

A. I don't even remember whether he was out there or not.

Q. You don't remember whether he was there?

A. No.

Q. Do you remember anything about any money being found under the carpet?

A. I don't remember.

Q. Do you remember anything about the meeting in the pharmacy of officers, or just an ordinary meeting?

A. I don't remember.

Q. Do you recall whether or not Captain Hall discussed with those men the question of their going to be held, and they would be brought in court at ten o'clock the next morning, and then they would have to stay there, and if they wanted some coffee, that I would get them some coffee, and if they wanted me to make a phone call, I would do the same thing.

A. Now, did you run across that?

Hall:

A. I don't think I remember anything about that.

Q. You don't remember whether or not.

A. No.

Q. Do you remember anything about [illegible]

A. No.

Q. Do you recall whether or not [illegible]

A. No.

Q. Did you [illegible]

A. I don't remember.

A. I remember I did walk in, and I told them that they couldn't get out on bail, that I was there to arrange bail for them, that they were going to be held, and they would be brought in court at ten o'clock the next morning, and then they would have to stay there, and if they wanted some coffee, that I would get them some coffee, and if they wanted me to make a phone call, I would do the same thing.

A. Now, did you run across that?

Hall:

A. I don't think I remember anything about that.

Q. You don't remember whether or not.

A. No.

Q. Do you remember anything about [illegible]

A. No.

Q. Did you [illegible]

A. I don't remember.

A. What carpet?

Q. At the club.

A. That is the first I heard of it. I didn't know of any money.

Q. You didn't hear of it?

A. No.

Q. I think that is all. That is all, thank you.

THE COMMISSIONER: Is there any question, Mr. - - -

MR. MacKINNON: Yes. If I may do it in the order that Mr. Wilson proceeded, Mr. Commissioner.

MR. WILSON: There is one point I possibly should cover with this witness, if I could, Mr. MacKinnon.

Q. Did you have anything to do with applying for charters for the Centre Road Veterans Club, Frontier, and the - - -

A. I think I can save you some trouble. I have never made an application for a charter on behalf of anybody.

A. Mrs. Campbell?

Q. At the club.

A. She is the first I heard of it.

I didn't know of any change.

Q. You didn't hear of it?

A. No.

Q. I notice that it is -- that in

all, three --

THE COMMISSIONER: In there any objections,

MR. - - -

MR. MONTGOMERY: Yes. If I may do

it in the order that Mr. Watson proceeded,

MR. CHAIRMAN.

MR. MILGROM: There is one point I

frankly should cover with this witness, if

I may, Mr. Montgomery.

Q. Did you have anything to do

with applying for charters for the Centre Island

Tennis Club, Brookbank, and the - - -

A. I think I was very pro tem

temporarily. I then turned it over to Mr. -- Mr.

a director on one if or another.

EXAMINATION BY MR. MacKINNON:

Q. You were a member of this Alpha Club, were you not, Mr. Gebirtig?

A. No, I don't think so.

Q. Never been a member?

THE COMMISSIONER: At that time?

MR. MacKINNON: You don't think so?

A. I don't remember.

Q. Is that no, yes, or maybe? It could be?

A. It is possible, but I don't think so.

Q. Were you a member of the Jordan Club, to which Mr. - - -

A. Yes, I was.

Q. - - Wilson has reference to?

A. Yes, I was a member of the Jordan Club.

Q. And that club has been closed, has it?

A. I believe so, yes.

Q. A gambling conviction?

A. I understand that is correct, yes.

Q. Now, you were also asked whether you were a close companion of Feeley and McDermott. I take it you knew them very well?

A. Very well.

Q. Yes. And you were on friendly

terms with them?

A. Very friendly.

Q. Yes, and you went on fishing trips with them, you said?

A. That is correct.

Q. And I believe that there was a picture filed in the trial of Feeley, McDermott and Wright in which you were identified, is that correct?

A. Well, I couldn't know. I have never seen the picture, but I have heard about it, and I understand I was in the picture that was taken on the fishing trip, but I didn't - - -

Q. What was the date ofthat fishing trip? Do you know?

A. I haven't the slightest idea.

Q. Do you know what year it was?

A. I haven't the slightest idea.

THE COMMISSIONER: Where was it?

MR. MacKINNON: Where was this fishing trip?

A. A place called Key Harbour.

Q. Where is that?

A. It is in the Georgian Bays, about 60 miles north of Parry Sound.

Q. You reached there by aircraft ?

A. No, you go up by highway.

Q. You drove up, did you?

A. Yes. Well, now, just a minute,

I was on, if my memory serves me correct, two fishing trips. We drove up once to a place called Key Harbour, drove up in a car, and were taken by boat to the lodge.

The other time I flew up with McDermott, McDermott, Feeley and myself flew up on a Saturday morning to do some fishing, and came home Saturday afternoon.

C/A

Q. Just the three of you?

A. Just the three of us.

Q. But in this other one there was a man identified as Borrelli in the picture. Was he on this fishing trip with you?

A. Yes.

THE COMMISSIONER: Excuse me, I want to get a note here. McDermott, did you say, Feeley and you went someplace?

A. Yes.

Q. Key Harbour?

A. Yes.

Q. Is that the second trip? Which came first?

A. I don't remember which came first, but we were on two. I think the one by plane was second, the other one was first.

Q. What plane?

A. McDermott's plane.

Q. Did he have a plane?

A. Yes, he had a Cessna 180.

MR. MacKINNON: Does that belong to Airge?

A. As far as I know, it was McDermott's.

THE COMMISSIONER: And what do you call it? A Cessna?

A. Cessna, C-e-s-s-n-a, 180.

MR. MacKINNON: Is this the aircraft registered in your name at one time?

A. No.

Q. Did youever have an aircraft registered in your name?

A. Yes, I did.

Q. This was owned by McDermott, was it?

A. McDermott and Feeley.

Q. An Aircraft that was registered in your name?

A. That is correct. That was a helicopter.

Q. Was that some more legal work you were doing for McDermott and Feeley?

A. I don't think this sarcasm is called for. You can ask.

Q. Well, I am just asking you was it?

A. No, it was done as a favour, They were buying this helicopter, and asked me to take it in my name as trustee, which I did.

Q. Did they explain why they wanted you to take it as trustee?

A. No.

Q. Did you not ask?

A. No. I just told them that if the income tax department came inquiring about it that I would tell them that it was their's.

Q. There was no discussion as to why you, as a lawyer, should act as trustee on the title to their aircraft?

A. Not a bit. They said they were buying it as trustee in my name,because they were going to turn around and sell it to some mining company that they were interested in.

Q. When was this, approximately?

A. Oh, it would be about - around three years ago, I guess, or something like that.

Q. How long?

THE COMMISSIONER: Can you tell me the year?

A. It would be within the past three years.

THE COMMISSIONER: Well, I know, but which one of the past three years?

A. Well, I would only be guessing.

THE COMMISSIONER: Well, let's have an educated guess.

A. All right. About five - or six - five - '59 or '60.

MR. MacKINNON: How long did it remain in your name?

A. Oh, maybe three or four months.

Q. You were shown as trustee. Was this a private arrangement with McDermott and Feeley?

A. It was a private arrangement.

Q. I see. Anyone searching would - -

A. That it was mine.

Q. It was yours?

A. Yes, unless they knew me.

Q. Well, did you make arrangements to buy it?

A. No, the purchase price of the plane was $44,500. I think.

Q. Did they pay cash?

A. And they had sent $500. deposit with the order, and we walked down the street to the bank, Feeley had a suitcase, we walked into the manager's office, he opened the suitcase and there was $44,000 in cash in the suitcase, for which he bought a bank draft payable to the - oh, I forget the name of the company from whom they were buying the helicopter.

Q. What bank - -

THE COMMISSIONER: Just a moment. You say you and McDermott and Feeley walked down - -

A. Walked down to the bank, and - -

Q. What bank?

Mr. Hutchinson: How long did it remain in your house?

A. Oh, maybe three or four months.

Q. You were unable as husband

A. It was a private arrangement.

Q. [illegible] Adams [illegible]

A. That is what

Q. It was yours?

A. Yes, natural that [illegible]

Q. Well, did you make arrangements to buy the

A. No, the purchase price of the piano was $[illegible]. I think.

Q. Did they pay cash?

A. And they had made $[illegible] deposit with the owner, and we walked down the street to the bank, Sterling had a business, we walked into the manager's office, he opened the safe and there was $[illegible] in cash in the business. for which he bought a bank draft payable to the - Oh, I forget the name of the company from whom they were buying the heliograph -

Q. What name -

A. Yes, I remember.

You had [illegible] and Sterling walked down - -

A. walked down to the bank, and - -

Q. What bank?

A. It is the bank at the - I think it is the Imperial- - it was the Imperial Bank at that time, it is on the north - -

MR. MacKINNON: Can you give us the location?

A. Yes, the street that Aikenhead's is on, downtown.

Q. Adelaide?

A. No.

MR. WILSON: Temperance.

MR. MacKINNON: Temperance.

A. Temperance. The north-west corner of Temperance and Bay.

Q. And was this McDermott and Feeley's bank?

A. It must have been, because we walked in there. I don't do business there.

Q. And they opened this suitcase and there was $44,000 cash in there?

A. That is right.

Q. Well, was it small bills?

A. $100. bills.

THE COMMISSIONER: How much?

A. $100. bills.

MR. MacKINNON: Did you have any discussion with them as to where this money came from?

A. None. It was none of my business. They were buying a helicopter, and they

A. It is the best at the - I think it is the Imperial - it was the Imperial Hotel at that time, it is on the north - -

Q. Excuse me. Can you give us the

Chamilton

A. Yes, the street that intersected with Hamilton.

Q. Adelaide?

A. No.

MR. WILSON: Temperance.

Q. Temperance/ Temperance.

A. Temperance. The north-west corner of Temperance and Bay.

Q. And was this Holsworth and Hooley

Bank?

A. It must have been, because we walked to there. I don't do business there.

Q. And they opened this account and there now $38,000 went in there?

A. That is right.

Q. Well, was it small bills?

A. $100. bills.

Q. Well, $100. bills.

A. Yes.

Q. Would you have any discussion with them as to where this money came

from?

A. None. It was none of my business. They were buying a Hollinger, and they

were paying for it.

Q. You didn't consider it your business when it was being put in your name?

A. Not in the least.

Q. This was quite a normal routine was it, that they could produce this kind of money?

A. Well, anything was normal with McDermott and Feeley.

Q. Did this surprise you when you saw them produce this large sum of money?

A. No. I knew that they had purchased the airplane, the Cessna 180, and it didn't strike me as unusual that they may be buying a helicopter which they were going to use in a mine that they were developing up North.

Q. Did you know they paid cash for the Cessna 180 as well?

A. No, I didn't know that.

Q. Did you know where this money came from? The source of it?

A. Well, all I know was that it was in a valise that Feeley was carrying. I don't know what the source was, other than I saw it come out of the bank. Where it came from, before it went into the valise, I don't know.

Q. What was their business?

A. Gamblers.

Q. I see. So you knew the monies

were from the operations of these gambling clubs, is that correct?

A. I didn't say that. I said they were gamblers. I don't know where their money came from, except that it came from gambling.

Q. You knew they were the moving spirits, I think your expression was, behind at least three gambling clubs?

A. I didn't say their gambling clubs, I said - -

Q. I believe you gave the names of them, one being the Alpha Club?

A. The Alpha Club, yes.

Q. Yes. One the Jordan Club? Yes?

A. Well, that was a different type of club than what - when you refer to the Alpha Club and the Jordan Club, it was an entirely different type of operation.

Q. You were familiar with the operations of these clubs?

A. Well, I was in the Jordan club two or three times a week for lunch, and they were playing cards there, gin rummy, and I would sit in there for maybe half an hour before I went back to the office after lunch, and that was the only thing I ever saw around the Jordan Club.

more than the occasional or three gambling clubs.

Is that correct?

A. I didn't say that." I said many were gambling. I don't mean where there were [illegible] that is open [illegible] gambling.

Q. You mean they were not operating openly?

A. I didn't say their gambling

clubs." I said - -

Q. I believe you gave the names of those, one being the Alpha Club?

A. The Alpha Club, yes,

Q. And the Delphi Club?

A. "Oil" that was a different type of club than that - when you refer to the Alpha Club was the Cretan Club" it was an entirely different type of operation.

Q. You were familiar with the operations of the Cretan Club?

A. Well, I was in the Cretan Club two or three times a week for lunch, and they were playing cards then," Kin Kung" and I was in there for maybe half an hour before I went back to the office after lunch, and that's all the only time I ever entered the Cretan Club.

Q. You never saw any betting on the horses?

A. I never saw wagering made on the horses.

Q. Did you make any wagers on the horses there?

A. No, not me.

Q. How about the Finnish Club, that was another one they were promoting?

A. Well, I don't know anything about the Finnish Club. I think I was out there once, and it was in the evening, and there was a lot of men playing chess, or not chess, checkers, and hearts, when I was out there and that is all I saw.

Q. You were just out there once?

A. Once or twice.

Q. Isn't this the club you gave evidence on?

A. That is the club I gave evidence on, yes.

Q. And it was only on this one occasion that you saw, I believe, the sign in the window, was that it?

A. I didn't say that.

Q. That you made reference to?

A. I didn't say that. I said that when I had been sitting in the courtroom listening to the evidence that was given that I recognized

that from the evidence that the undercover constable was giving, it would not be correct, because he said that the Finnish Club was operating in those premises during the month of June when I knew that it was the Tisdale Club, and I said that the police constable swore, P.C.Scott, and I am amazed that his testimony is not in the transcript, because he testified out there. He is a member of the Metropolitan City Police Force, and he stated that there was a big sign on the window at that time which stated Tisdale Club, and that the Finnish Club sign was on there much later.

Q. You don't know this Constable Scott's first name, I take it?

A. No, but Mr. Humphrey I believe has it, and he can be traced.

THE COMMISSIONER: Well, it might have been the Finnish Club and the old name as well on the window?

A. No, no, the - the minutes of the club during that month of June were the Tisdale Club, Tisdale Minutes, and that is the book that was introduced, I believe, and I am speaking from memory, in evidence. I wasput in thewitness stand and asked if I had incorperated this branch of - I think the evidence will show that I said that I had, and at that time the minute book was handed to me, and it showed the Tisdale Club

as carrying on during the month of June, or whatever the month was, and that the Finnish Club did not come into existence until some time later.

THE COMMISSIONER: Well, what do you mean when you say you incorporated that branch?

A. No, I don't mean the word in the true sense incorporation; I mean that branch was taken from the original club in South Porcupine, I think it was. The directors agreed that a branch be opened here, and that is what happened.

Q. Well, what were the mechanics of opening the branch?

A. The mechanics of opening the branch were that the directors of the Original club in South Porcupine passed a resolution authorizing eight or ten men, I forget how many, to open a branch of the club in - at that address in the Town of New Toronto.

THE COMMISSIONER: Well, did you draw the resolution?

A. No, the resolution was drawn and that is what was brought into me was the resolution authorizing these people to open a branch, and I told them to hold an organizing meeting, elect from the organizing meeting a president, vice-president, secretary-treasurer, and appoint a steward, and that was done, and then I believe that I - I am only speaking again

from memory, I believe I drew that minute. I don't remember.

MR. MacKINNON: I think you did, and I think you were present, according to what your answer was given?

A. It could have been.

Q. Page 98 of the transcript, if I may read it to you. My learned friend has already read you one excerpt.

"Unless he has powers from above
"and that has never been granted to
"anybody else in the world, he
"couldn't know."

"A. There was no Finnish Club
"except in South Porcupine. These
"minutes of the organizing meeting,
"which I attended personally read
"as follows: '30th January, 1957,
"8:30 p.m., 132 - Sixth Street, New
"Toronto.'"

A. Well, then, I was present if that says so, I was present.

Q. So a meeting was held in New Toronto, not Timmins?

A. I didn't suggest Timmins.

Q. No?

A. I said that I think the directors up therehad held a meeting, and authorized a certain group of men down here to open a branch

of the club, and that some solicitor up there drew the resolution, and it was sent down to these men down here, and that is what they acted on.

Q. And you figure that after that there was a resolution given to you which you presented to the Court that morning?

A. No, I didn't say that.

Q. Well - -

A. I said that I attended at the Court when this constable testified to certain things which were not true. That I pointed out that fact to Mr. Humphreys, who was defending the club, and that I pointed out to him that the club was not in existence at that time, and if he would check the minute book , which they must have had, which he did, he then saw that there was no such club in existence at that address at that time, and that that club did not come into existence until some time later.

THE COMMISSIONER: It was a happy coincidence in favour of the club that your curiosity took you as a spectator?

A. Well, there was a reason, your lordship, for me going out as a spectator, because I had heard a lot about this undercover man Benny, and I was very anxious to see what was going to happen out there, because if I remember there were four of his prosecutions were thrown out by the magistrates, there were four different

magistrates, just on account of evidence somewhat similar to this.

THE COMMISSIONER: I see. You had heard from - from whom had you heard so much about the undercover man?

A. From the gambling element.

Q. And what did you hear?

A. Oh, I had heard that he was fabricating evidence, and that there was no - I appeared, now I recollect something. I appeared on one of the cases which Benny, this undercover man, had as a result of his investigations a charge had been laid against the Jordan Club, and the issue came on before the late Magistrate Locke, and was thrown out on account of the same type of evidence.

Q. Well, I come back to what I said earlier, it was a very happy coincidence that your curiosity took you out to be a spectator; if not, all this evidence that resulted in an acquittal might have not been brought to the attention of the court?

A. Quite true. That is quite true.

Q. You didn't make a charge for that?

A. No, no, there was no charge. I wasn't there as counsel, I was there as a spectator, and just happened to notice the -

similar to this.

[illegible] I say, Jon [illegible]

heard from - from whom had you heard so much

about the undercover man?

[illegible] from the presiding Alderman.

Q. And what did you hear?

A. Oh, I had heard that he was

distributing evidence, and that there was no -

I appeared, now I recollect something. I appeared

on [illegible] of the same Grand, this investigation

man, had as a result of his investigation

a charge had been laid against the Jerusa Club,

and the trial came on before the late Magistrate

Lucas, and was thrown out on account of the

same type of evidence.

Q. Well, I come back to what I

said earlier, it was a very heavy concentration

that your curiosity took you to be a spectator

if not, all this evidence would resulted in no

convictions might have not been brought to the

attention of the court.

A. Quite true. That is quite

true.

Q. You didn't make a charge for

that?

A. No, no, there was no charge.

I wasn't there as counsel, I was there as a

spectator, and just happened to notice the -

what was said.

MR. MacKINNON: Where was this charge heard?

A. Which one are you referring to?

Q. The one that his lordship, or Mr. Commissioner has been asking you about, a happy coincidence, New Toronto?

A. New Toronto, yes.

Q. And where is youroffice?

A. My office is in Toronto, downtown Toronto.

Q. Did you go out alone that morning, or did you go out with McDermott and Feeley?

A. Oh, well, now, I can't remember whether I went out alone. I probably did, but I don't remember.

Q. Would you have any records on this particular matter?

A. You have got - have you got the transcript of evidence?

Q. You have no personal file on it?

A. There was no need for me to make a file on it.

Q. Well, let's get back to Borrelli. He was on one of your fishing trips with you, wasn't he?

A. Um,hm.

Q. Now, isn't it a fact that he was connected with the New Ramsay club in Niagara Falls?

A. I wouldn't know.

THE COMMISSIONER: You mean to say you don't know?

A. No, I don't know.

Q. Did you ever hear that he was?

A. I never heard that he was, except in the Wintermeyer's report.

MR. MacKINNON: Well, who was he, and what was their interests?

A. I knew about him as a friend of McDermott's and Feeley's, and being a friend of their's, that he was probably in gambling.

Q. And you also knew, did you not, that they, McDermott and Feeley did have an interest in the New Ramsay Club as well as their other interests?

A. I never heard of the new Ramsay Club until this whole thing started.

Q. They never mentioned it to you?

A. No.

Q. Pardon?

A. No.

Q. Did they ever discuss the Roseland Club with you?

A. I never heard of the Roseland Club until this afternoon.

Q. Never heard of it?

A. May I drew to your attention that McDermott and Feeley did not disclose very much to me.

THE COMMISSIONER: No, but they took you into their confidence, into their confidence, and put a helicopter in your name?

A. Maybe they trust me, my lord.

THE COMMISSIONER: Well, having trusted you, I would have thought that perhaps they may even trust you to the point of telling you they had an interest in the Niagara Falls club?

A. I wouldn't know that, my lord.

MR. MacKINNON: Now, according to Sergeant Anderson's evidence, his evidence was that you were in Mr. Roberts' office sometime prior to July 12th, 1957?

A. Who is Mr. Roberts?

Q. Mr. Kelso Roberts.

A. I have never been in Mr. Roberts' office in my life.

Q. Were you in either Mr. Common or Mr. Bowman's office around that time?

A. No, sir. I may have been in Mr. Common's office sometime ten years ago, and I think that is about the last time that I have had occasion to be in Mr. Common's office. I have never been in Mr. Bowman's office.

Q. Did you speak to Mr. Common

Q. Did you speak to Mr. Cannon
have never been in Mr. Cannon's office.
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I think that is about the last time that I have
Mr. Cannon's office something ten years ago, and
A. No, sir. I may have been in
Mr. Cannon's office around that time?
Q. Were you in either Mr. Cannon
office in my life.
A. I have never been in Mr. Roberts'
Q. Mr. Helen Thayer.
A. Who is Mr. Roberts?
going to duly work, Judy?
Q. Mr. Roberts' attorney
A. I wouldn't know that, my Lord.
Q. [illegible] the
Thayers [illegible]'s problems, his children
may [illegible] Mr. Roberts' office
shop had an interest in the Niagara Falls club?
may even think you to the point of telling you
how, I would have thought that perhaps they
and put a motion for in your name?
A. Maybe they think so, my Lord.
THE COMMISSIONER: Well, having [illegible]
the time limit restrictions, this [illegible],
must go on.
A. May I draw to your attention
that [illegible] and feels [illegible] my

or Mr. Bowman around this time on the telephone?

A. I have never spoken to Mr. Common or Mr. Roberts or Mr. Bowman. I have never spoken to Mr. Roberts. I have never spoken to Mr. Common or Mr. Bowman. I have spoken to Mr. Common maybe ten years ago, and that was the last time. That was on a matter that I was discussing with him.

Q. Did you ever speak to him about the Tisdale Club?

A. No.

Q. You never called Mr. Common about the Tisdale Club?

A. No.

Q. So if we find that information in the reports, it is incorrect, is that right?

A. It is incorrect.

Q. You didn't. You were involved in the prosecution of the Tisdale Club, were you not?

A. We acted - just a minute, now.

Q. I am talking about Peterborough.

A. All right. Just a minute. I stand to be corrected. I did call Mr. Common as a result - Mr. Humphrey and I were defending the Tisdale Club in Peterborough, and we raised the objection that Beamer Hopkins, the Magistrate, that Magistrate Bartrem was seized of the matter and that he couldn't hear it. He refused to

or Mr. Bowman around this time on the telephone;

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A. We voted - just a minute, now.

Q. I am talking about Peterborough.

A. All right. Just a minute. I stand to be corrected. I did call Mr. Common as a result - Mr. Humphrey and I were defending the Tiadale Club in Peterborough, and we raised the objection that Deemer Hopkins, the Magistrate, that Magistrate Burton was seized of the matter and that he couldn't hear it. He refuses to

adjourn the matter, so that we could take a Writ of prohibition against him, and when we came back to Toronto I called Mr. Common about that, and I said to him, now am I correct, should I take - or do you think it is proper under the circumstances to take a Writ of Prohibition, and he said yes, I would do that under the circumstances. That is the only time I talked to Mr. Common in the past ten years.

Q. He told you to go ahead and take the Writ of Prohibition?

A. No, he didn't. He said he thought it was proper.

Q. It wasn't a case of him talking you out of it?

A. No.

Q. Did you take - make an application for a Writ of Prohibition?

A. We were removed as counsel for the Tisdale Club, and there was no necessity for the proceedings.

THE COMMISSIONER: You were removed?

A. Removed.

Q. How do you mean?

A. Well, our clients suggested that they had to live in Peterborough, and we were solicitors from Toronto, and that they didn't want any more trouble, any more defence, and this was a long drawn out story. They were found guilty.

We went to the Court of Appeal, Arthur Martin arguing the appeal. The conviction was quashed, and then the Crown laid another charge, the same charges against them, and the original Magistrate couldn't sit, because he had convicted them originally. They brought Magistrate Bartrem down, and we made a plea in front of Bartrem, filed Exhibits, and the evidance, and then when we came down to try the issue Magistrate Hopkins was on the bench, and that is when this argument took place as to whether Bartrem was going - or whether he could hear it, and we wanted to take a Writ of Prohibition proceedings, and our clients didn't want us to go ahead.

cc/6

THE COMMISSIONER: I will come back to what you said earlier. You were removed?

A. We were removed. They asked us - they paid us whatever they had owed us, and said we will retain other counsel.

THE COMMISSIONER: And who did they retain?

A. Arthur Maloney. Could I have a glass of water?

THE COMMISSIONER: Yes. Have you got a glass there?

MR. MacKINNON: I will be a little while longer. I see it is after five.

THE COMMISSIONER: Well - -

THE WITNESS: My lord, I have a very embarrassing position. I have to defend somebody in County Police Court tomorrow morning. It is the third time it has been up. I don't know whether I can get another adjournment. I would be through at noon.

THE COMMISSIONER: Did you hear what the witness said, Mr. MacKinnon ?

MR. MacKINNON: I am sorry. I didn't.

THE COMMISSIONER: He says that he has an appointment to defend someone in County Judges Criminal Court, is it?

A. No, County Police Court.

THE COMMISSIONER: In the County Police Court in the morning. He is through at noon.

MR. MacKINNON: That would be all right.

THE COMMISSIONER: Anyobjection to him returning in the afternoon?

MR. MacKINNON: No, not at all.

THE COMMISSIONER: All right. Two o'clock tomorrow afternoon.

THE WITNESS: Thank you, my lord.

THE COMMISSIONER: Adjourn until tomorrow morning at ten o'clock.

---Whereupon the hearing adjourned at 5:03 p.m. On Monday, March 26th, 1962, to resume at 10:00 a.m. on Tuesday, March 27th, 1962.

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

KENNETH H. BROWN and JAMES T. GOW, Trustees, on behalf of themselves and all other Shareholders of Beleggings-Societeit, N.V., and the said BELEGGINGS-SOCIETEIT, N.V., as represented by the said Kenneth H. Brown and James T. Gow,

Plaintiffs,

- and -

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Huijsmans,

Defendants.

TRANSCRIPT OF ARGUMENT ON APPEAL

Date

Pages

(See Other Cover)

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Royal Commission
on Crime
in Ontario

Daily Transcript
of Proceedings

Date of 21th May 1962.

pp 277 - 513

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

KENNETH H. BROWN and JAMES T. GOW, Trustees, on behalf of themselves and all other Shareholders of Beleggings-Societeit, N.V., and the said BELEGGINGS-SOCIETEIT, N.V., as represented by the said Kenneth H. Brown and James T. Gow,

Plaintiffs,

- and -

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Huijsmans,

Defendants.

TRANSCRIPT OF ARGUMENT ON APPEAL

Date

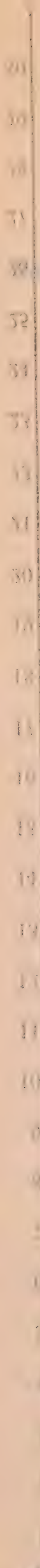
Pages

Supreme Court Reporters
145 Yonge Street
TORONTO

INDEX OF WITNESSES

		Page No.
J.M. ANDERSON recalled	By Mr. Wilson	278
	Mr. McKinnon	284
WILLIAM JACK SHRUBB	Mr. Wilson	288
	Mr. McKinnon	315
	Mr. Brewin	354
	Mr. McKinnon	361
	Mr. Wilson	365
ROSWELL ISAAC BLAIN	Mr. Wilson	372
	Mr. McKinnon	377
	Mr. Brewin	381
ALBERT GRENVILLE DAVIS	Mr. Wilson	386
	Mr. McKinnon	400
	Mr. Brewin	412
SOL GERBITIG recalled	Mr. McKinnon	417
	Mr. Brewin	452
	Mr. Wilson	458
CARL HERMAN	Mr. Wilson	469
	Mr. McKinnon	479
ALBERT HADFIELD BIRD	Mr. Wilson	489B
	Mr. McKinnon	495
	Mr. Brewin	497
	Mr. McKinnon	498
ROBERT W. SPECK	Mr. Wilson	499
	Mr. McKinnon	501
	Mr. Brewin	503
GARNETT McGILL	Mr. Wilson	505

---oOo---



INDEX TO EXHIBITS

No.	Page	Description
12	280	Memorandum dated July 15, 1957, from J. H. Anderson to E. V. McNeill
13	283	Memorandum dated February 3, 1954, from E. V. McNeill to C. VonZuben.
14	306	Police diary of W. J. Shrubb (1954).
15	308	Document entitled "Notations as entered in Daily Diary, period April 1st, 1954 through December 31st, 1958" - W. J. Shrubb.
16	334	Diary notes of W. J. Shrubb commencing April 29th.
17	371	Rough notes made by Constable Shrubb of telephone conversations with Vincent Feeley.
18	371	Corporal Shrubb's 1958 diary.
19	392	Two letters dated November 23, 1954, and November 24, 1954, respectively.

A/1/JS

TUESDAY, MARCH 27TH, 1962

---On opening at 10:05 a.m.

MR. WILSON: The list of the senior legal personnel in the Attorney-General's Department, which we filed as Exhibit 4, does not, of course, include the Attorney-General. I thought for the record it should be stated that the present Attorney-General, Mr. Kelso Roberts, was appointed to that office on August the 17th, 1955.

Now, there were certain documents addressed to me - - -

THE COMMISSIONER: Who preceded Mr. Roberts?

MR. WILSON: The - his predecessor in office, and just so I will be sure of that - who was it?

MR. COMMON: Porter.

MR. WILSON: Was Mr. Porter, as he was at that time.

THE COMMISSIONER: Yes.

MR. WILSON: There were a number of documents delivered to my office here yesterday, during the day, from the Ontario Provincial Police, which I didn't have an opportunity of examining during the course of yesterday's hearings. I find on examination of some of those documents,

and I haven't been over all of them, that there are several which are relevant to the testimony given by Sergeant Anderson yesterday, and I would like to recall him, to put to him in particular one report made by him on July the 15th, 1957.

THE COMMISSIONER: All right.

MR. WILSON: Sergeant Anderson?

SERGEANT J.M.ANDERSON, recalled:

FURTHER EXAMINATION BY MR. WILSON:

THE COMMISSIONER: You are still under oath, Mr. Anderson?

THE WITNESS: Yes, sir.

MR.WILSON: I am producing to you a confidential memorandum dated July the 15th, 1957, which appears to be signed by you; is that correct?

A. That is correct, sir.

Q. And it is addressed to Mr. E.W. McNeill, Commissioner of Police for Ontario:

"Re: meeting held in Mr. W.B.Common's "office, Parliament Buildings, Toronto."

A. Yes, sir.

MR. WILSON: And I will just read the memorandum:

"Relevant to the marginally - -
"noted subject, sir, the following
"is submitted for your information,
"please.

" Friday, July 12th, 1957, at
"approximately 10:00 a.m., in company
"with assistant-commissioner J.Bartlett,
"I attended a meeting held in Mr.
"W.B.Common's office, and attended
'by Mr. W.B.Common, Q.C., Mr. W.C.
"Bowman,Q.C., Assistant-Commissioner
"J.Bartlett, and myself.

" The subject of conversation at
"this time, was the Honourable the
"Attorney-General's, Mr. Kelso Roberts,
"decision to - -

" (a) the granting of Provincial
"charters to the three well-known
"gaming establishments and

" (b) his decision to have

" (i) the present observations and
"checking of personnel frequenting the
"premises discontinued, but

" (ii) periodical checks of
"premises to continue.

" (iii) raids to be conducted,
"if traffic and complaints warrant same.

" (iv) if raids conducted,
"permission to carry out same, not
"necessary.
These instructions effective
"immediately.
" Respectfully submitted,
"J.M.Anderson, Sergeant - in charge,
"Anti-Gambling Branch."

A. That is correct, sir.

Q. Now, you didn't mention this report - - -

MR. WILSON: Exhibit number - - -

THE COMMISSIONER: - - 12?

THE REGISTRAR: 12.

MR. WILSON: 12.

---EXHIBIT NO.12: Memorandum dated July 15th, 1957, from J.M.Anderson to E.Y.McNeill.

MR. WILSON: You didn't mention this report yesterday. Had you overlooked it?

A. I thought it had been mentioned, sir. If it wasn't, it was an oversight, yes.

Q. Now, there have been handed to me, as of yesterday - -

THE COMMISSIONER: Exhibit 12.

MR. WILSON: Certain documents, dated respectively February 3rd and February 5th, 1954, being a memorandum by then Commissioner of Police for Ontario to Sergeant C.VonZuben. Would you

look first at the one of February 3rd, 1954, and tell me whether or not that came to your attention?

A. The memo did not, no, sir. I mean I heard of it through Sergeant VonZuben at that time.

Q. You mean you were made aware of the contents of this memorandum -

A. Yes.

Q. - at that time?

A. Yes, sir.

Q. Well, then - - -

THE COMMISSIONER: Well, just a moment. What is the memorandum?

MR.WILSON: Well, the memorandum deals with the Alfa Club, as it was known at that time, Mr. Commissioner, in Toronto Township, and it has to do with the question of the policy and procedures to be followed in regard to that particular club.

THE COMMISSIONER: Well, we better get it in as an exhibit, don't you think?

MR. WILSON: Yes. Well, I propose to do that, and there is attached to it - possibly I can describe the two documents. The first is a memorandum from E.M.McNeill to Sergeant C.VonZuben, dated February 3rd, 1954, attached to which is a memorandum dated February 5th, 1954, from Sergeant VonZuben to the Commissioner, and I read first - - that will be Exhibit No. 13?

THE COMMISSIONER: Yes. Just a moment. Is the name VonZuben, or VanZuben?

A. Von, sir. V-o-n.

MR. WILSON: V-o-n, I think it is.

THE COMMISSIONER: Well, what is attached is merely an acknowledgement?

A. Yes.

MR. WILSON: I don't need to read it, I think, but I would like to read the memorandum of February the 3rd.

THE COMMISSIONER: Just a moment. All right.

MR. WILSON: Memorandum to Sergeant C.VonZuben, Anti-Gambling Branch, Ontario Provincial Police.

"Re: Alfa Club, Toronto Township.

" Confirming our conversation "in my office on the afternoon of "Friday, January 29th, 1954, this "is to advise you that commencing "February 1st, 1954, you and the "personnel of the Anti-Gambling Branch "will continue the nightly searches - -"

THE COMMISSIONER: No, discontinue.

MR. WILSON: " - - - discontinue the "nightly searches at the Alfa Club "in the Township of Toronto.

" It is understood that you "personally interviewed Mr. C.R.Magone,

"Deputy-Attorney General, on the
"afternoon of January 29th, 1954,
"when the above instructions were
"confirmed, owing to the fact that
"it was felt that to continue such
"nightly searches of the Alfa Club
"might not be interpreted as
"justified and leave the Department
"liable to criticism.
" This rule does not however
"lessen the impertance of maintaining
"close observation on the Alfa Club
"and other similar establishments
"throughout the Province and if
"developments occur which in your
"opinion justify a search or other
"comparable action, you should take
"whatever steps are considered
"justified and as the circumstances
"warrant.
" You will please acknowledge
"receipt ofthese instructions.
" H.V.McNeill, Commissioner of
"Police for Ontario."

THE COMMISSIONER: Mr. Registrar, Exhibit 13.

---EXHIBIT NO.13: Memorandum dated February 3rd, 1954, from H.V.McNeill to C.VanZuben.

MR. WILSON: That is all that I want to ask this witness at this time.

THE COMMISSIONER: Do you want to ask him any questions on that?

MR. MacKINNON: Just a couple of just questions on these documents.

THE COMMISSIONER: Let me have the Exhibit, Mr. Registrar.

EXAMINED BY MR. MacKINNON:

Q Exhibit 12, Sergeant, seems to, which is the letter of July 15th, 1957, written by yourself, seems to coincide with the entry in your diary, but one question I wanted to ask is point 4, which says that raids - if raids conducted, permission to carry out same, not necessary. Was permission required prior to this in the carrying out of raids?

A. No, sir.

Q. Do you know why you put that in there?

A. Because that is what was said.

Q. Well, why? Was this a change in practice in any way?

A. No, it was no change in practice.

Q. Then, turning to Exhibit - -

THE COMMISSIONER: Well, isn't that perfectly plain, Mr. MacKinnon. 4 seems to be related - the 4 seems to be related to (b)(i). In other words,(i)says:

"The present observations and
"checking of personnel frequenting
"the premises discontinued,"

But 4:

"If raids conducted, permission to
"carry out same, not necessary."

MR. MacKINNON: Well, I didn't know what - -

THE COMMISSIONER: Well - -

MR.MacKINNON: Well, it referred to. It doesn't - -

THE WITNESS: This was during the year 1957, when the districts - each district was carrying out their own raids.

Q. I appreciate that. Then, Exhibit 13 is directed to Sergeant C.VonZuben. Is he still living?

A. Yes, he is still attached to the Ontario Provincial Police.

Q. And where is he now?

A. He is here in Toronto, Headquarters.

Q. Was he transferred out of the Anti-Gambling Branch shortly after February, 1954?

A. As of April 1st, 1954.

Q. Yes. And what branch is he with now?

A. The Unsatisfied Judgment Claims.

Q. And he went directly to there from the Anti-Gambling Squad?

A. Well, almost. He went to the Liquor Branch first and then to the - to the other branch.

(Page 287 follows)

B/RJH/1

Q. And this was at the same time that Sergeant Cronin was transferred out of the branch, isn't that correct?

A. That is correct.

Q. He also went to the Unsatisfied Judgment Fund Branch, is that correct?

A. That is correct.

MR. MacKINNON: Thank you.

THE COMMISSIONER: Have you any questions, Mr. Brewin?

MR. BREWIN: No, sir.

---The witness withdrew.

MR. WILSON: I call now Chief Constable Shrubb.

THE COMMISSIONER: Where is Mr. Shrubb?

MR. WILSON: The witnesses are using a larger room. I think they find this one rather warm, Mr.Commissioner, and I think that is the reason for the delay.

WILLIAM JACK SHRUBB, sworn,

EXAMINED BY MR. WILSON:

Q. You are the Chief Constable of the City of Peterborough?

A. Yes, I am, sir.

Q. And you were first appointed as, I think, Deputy Chief Constable of that city?

A. Inspector of Police, sir.

Q. And what day was that appointment?

A. January the 1st, 1959.

Q. And prior to that time you had been a member of the Ontario Provincial Police?

A. Yes, sir.

Q. When did you join that Force?

A. On January the 10th, 1949.

Q. And then you continued with that Force until your appointment at Peterborough?

A. That is correct, sir.

Q. And during that term with the Ontario Provincial Police, were you a member of the anti-gambling squad?

A. Yes, I was, sir.

Q. During what period of time?

A. From April the 1st, 1954, until I terminated my service at the end of the year 1958.

THE COMMISSIONER: Let me see Exhibit 5, please. When did you say you joined the staff of the anti-gambling squad?

A. April the 1st of 1954, my lord.

MR. WILSON: Mr. Commissioner, if it pleases you, I would like to restrict the evidence of this witness at this time to the Brampton incident, as I may describe it, and I will be recalling him later in the day, or to-morrow, to deal with other matters, so that possibly we can have a more orderly examination and cross-examination of this witness.

THE COMMISSIONER: All right.

MR. WILSON: Q. Now, in the course of your duties on the anti-gambling squad, did you have anything to do with what we have described as the Centre Road Veterans Club at Cooksville?

A. Yes, I did, sir.

Q. And when did you first have any duties in respect to that particular Club?

A. Right after my transfer to the anti-gambling branch we commenced investigation of that Club within the first month or two, April or May, and then continued on thereafter.

Q. Now, what werethe -- prior to November the 24th, 1954, what in the carrying out of your duties did you have to do with that particular location?

A. There were times when observations were held, and there were other times when search warrants were executed in efforts to obtain evidence for the keeping of a common gaming house.

Q. And prior to November the 24th, 1954, what were your problems in regard to obtaining

evidence at that location?

A. Well, between April, when I first went with the branch, until November the 24th, we were never successful in gathering sufficient evidence at any one time to instigate a prosecution. We found that the premises were well patrolled by look-outs, doormen, and that the premises in general were a very secure -- the doors were bolted, and were all of a heavy construction, and the gaming which we suspected did take place -- took place on the second floor, and there were even after gaining entrance by way of the main doors, there were other doors which were equipped with locks immediately before going to the second storey of the premises.

Q. Well, if there was gambling going on why would you not find evidence by thetime you got to what you suspected was the gaming room?

A. We could never get there in time to get that evidence.

Q. Well, what would happen to the equipment that you suspected was there?

A. Well, the material required to conduct the game consisted of, we believed it consisted of playing cards, and other objects which designated the various bets, and what-have-you, and it was very easy to dispose of those by placing them at other locations in the room itself. It was always our belief that the

dice used were disposed of either by way of the washroom facilities or by way of a water fountain which was installed on the second floor, and that they were discharged into the septic tank or the other facilities.

Q. Well, was the fact that this club was a branch of a federally incorporated club, create any problem as far as proof of any alleged offence?

A. We felt that it did.

Q. In what way?

A. In that a bona fide social club can, by law, have articles of gaming paraphernalia. They are entitled to have this in connection with their recreational or social events, and then again, it allows for traffic to and from; they are entitled to membership and this provided a lawful excuse for persons to arrive at and attend upon the premises. There was one occasion which I recall when we found three dice placed behind some books in a book rack, which was immediately adjacent to one of the pool tables located on the second floor.

Q. During this period of activities of your branch against this particular Club, did you ever run across a Mr. Sol Gebirtig?

A. Yes, I did, sir.

Q. At what time, and under what circumstances?

A. It was either in a raid of May or

September of 1954, I believe it was in May. We attended there for the purpose of executing a search warrant, and we gained entry, and Mr. Gebirtig was present on the main floor, and he came forward to me. I was, I would say I was the investigating officer that night. It was my responsibility to possess the search warrant and to act as the chief investigating officer, and subsequently to submit the report covering the events, and I did hold the search warrant and Mr. Gebirtig presented himself as the solicitor for the Club and asked that I produce to him the search warrant which I did, and he appeared to read over the content of the warrant, returned it to me, and I asked for his identification, and he identified himself as being Sol Gebirtig, and made mention of the fact that then Staff Inspector Tomlinson, who was with us, knew Mr. Gebirtig, and I turned Mr. Gebirtig over to Staff Inspector Tomlinson for his further questioning of him.

Q. Well, in the course of your surveillance and raids on this Club, did you ever run across Joseph McDermott or Vincent Fenley?

A. Yes, sir, I did.

Q. And how often would you say would you find them there, when you actually made raids?

A. Numbers. Offhand I could not say, but almost on every occasion when we were there,

one or both of them were present on the premises.

Q. And as a result of your observations and connection with that Club, who did you consider to be the keeper of the Club, so far as any illegal activity was concerned, of which you had suspicions?

A. In my opinion both Feeley and McDermott exercised control over the premises, as well as other persons, who were many times found there, did act as persons who would assist in the operation and management of the place.

Q. Do you recall a raid on the club on November the 24th, 1954?

A. Yes, I do, sir.

Q. And you were accompanied on that occasion by other officers of the branch?

A. Yes, sir.

Q. And who were the officers on that occasion? Who were with you?

A. Sergeant Anderson, now Staff Sergeant Anderson was there, and to name the other officers I would only say that perhaps the majority of the officers of the branch participated in that raid. I did not act as the investigating officer on that occasion. Sergeant Anderson acted as the investigating officer and prepared the reports.

Q. I believe it was 34 persons that were arrested and transported to Brampton?

A. Yes, I believe that to be true.

B/2

Q. And there was some segregation of some seven or eight from the rest?

A. Yes.

Q. Did you have anything to do with the segregation?

A. Yes, I did, sir.

Q. And where were the two groups kept, as you recall, when they reached Brampton?

A. Well, I recall that seven or eight which we segregated were detained in a separate room, not in cells, but in separate rooms in the County Court Building there. I recall having spent considerable time with them upon our arrival there, until such time as they were placed before the Court the following morning at 10.00 o'clock. Now, where the remainder of the persons were kept I am not so sure where they were.

Q. That was not part of your responsibility?

A. No, I looked after, or assisted looking after those who were segregated.

Q. Were you present in the courtroom when these seven were questioned by Mr. Grenville Davis before Magistrate Blain?

A. Yes, sir.

Q. And what, in your opinion, was the result of that questioning?

A. There was no fact gathered which supported us in the laying of any charges, and

all persons who were detained there were subsequently released following the hearing.

Q. Do I take it that any evidence you got at the time of the actual raid on the premises was not of a character as to warrant a prosecution?

A. That is right. We did not get any evidence.

Q. And that then the examination of these seven found-ins did not provide any additional facts or other facts which would justify a prosecution?

A. That is true, sir.

Q. And after the examination of the seven, and also I think there was one, George Reid?

A. Yes, sir.

Q. Then you say that of the 34, or whatever the number was, were allowed to go?

A. That is right. George Reid was not examined. He presented himself to the Court and claimed as the owner, the amount of $810, all in ten dollar bills, which I had found under a rug on the second floor of the Club, on that evening upon the search.

Q. And you were quite satisfied, I take it from your evidence, that after the questioning was over, that that was the end of the whole matter?

A. Yes, sir.

Q. And who stood guard over these seven or eight persons who were segregated from the rest, and later questioned?

A. Well --

THE COMMISSIONER: The witness said he assisted.

MR. WILSON: I was wondering if there was anybody else other than the witness.

THE WITNESS: This, I cannot remember now.

Q. Well, did you see Mr. Gebirtig at any time prior to the courtroom appearance of these seven or eight persons?

A. It is quite possible that I did. I don't recall any specific occurrence which would make me recall that, but it is quite possible that I did.

THE COMMISSIONER: Did you see him that night at all, or the next morning?

A. I saw him definitely at the hearing, but just how much prior to the hearing I could not say, I do not recall.

MR. WILSON: Q. Were these seven or eight persons interviewed, to your knowledge, by either Mr. Gebirtig or Mr. Carl Herman prior to the questioning?

A. I don't recall that they were. We kept them separate for the purpose of the hearing, and I don't recall that they were --

Q. Now, after the finishing of the questions you say that was the end of it, and

everybody was allowed to go home?

A. After the finishing of the questions, as I recall the events, the questioning took place of the seven or eight persons, and there was a recess called before any final decision was made with respect to the release of any person, and it was after that recess that all persons were released.

Q. Yes, and who gave the final instructions to discharge all the persons who had been taken into custody?

A. It was the Crown, or the Court, or the Bench, I am not sure, but certainly the --

Q. I take it you had not laid any charges against these 34 persons?

A. No, sir.

Q. And in whose custody were they -- the police?

A. Well, yes. We were the ones who detained them.

Q. Did anybody at that time give any instructions to you as you recall it?

A. When we adjourned for the recess, I walked to the office of the Crown Attorney, and with him, and when we arrived there he was presented a piece of notepaper and was advised by one of his female office staff to call the Attorney General's office, and he did so, and after he completed his call he stated he had been advised to discontinue the proceedings

immediately. And at the termination of the recess we went back into the courtroom and it was then that the proceedings were discontinued, and the persons were released.

Q. Well, I just want to be clear, did you hear the telephone conversation, or some of Mr. Davis's end of it?

A. No, I remained in the outer office, and the Crown Attorney, Mr. Davis, went into his own individual office.

THE COMMISSIONER: Did you hear the conversation?

A. No, sir, out of respect I did not remain anywhere near, or wish to hear any part.

(Page 300 follows)

Take C

MR. WILSON: I just want to be quite clear about this. When the recess that you mention occurred all the examinations had been completed of the segregated group?

A. The questioning of them had been completed, yes.

Q. And had any other questioning been considered or decided upon at that time?

A. I think we were quite satisfied in our own minds when we left the court for the purpose of the recess, that we had gained nothing by the examination.

THE COMMISSIONER: Well, if the questioning had been completed, what was the purpose of a recess?

A. My only answer there would be perhaps for us to take a positive assessment collectively before any definite answer or definite direction for release of them was made.

Q. What do you mean, "by us collectively" to do something?

A. Well ---

Q. You mean the arresting officers?

A. No, consultation with the Crown attorney.

THE COMMISSIONER: All right.

MR. WILSON: Q. It is quite clear that you were satisfied that there was no basis for laying any charge?

A. Yes.

Q. At the time you walked out of that court room after the questioning of these eight persons?

A. Yes, sir.

Q. And did you hear anybody suggest that there was any basis for any charges being laid following that questioning?

A. No, sir.

Q. Do you recall whether or not after this telephone conversation that you say Mr. Davis had, whether you or Mr. Davis or anybody else returned to the court room ?

A. We all returned to the court room.

Q. You all returned to the court room?

A. Yes, sir.

Q. And was the Magistrate still there?

A. I am sure he came back after the recess.

Q. You are sure he came back?

A. Yes, sir, because I believe it was after that time, after the recess that Reid actually claimed the money.

Q. What happened after the recess when you say you got back to the court room, what happened in the court room when you returned?

A. It would be then that the persons

we had questioned were formally released.

Q. And were told to go by whom?

A. This I don't know, whether the Court directed. I can see the release, the ways it could come about, but my memory does not serve me that well to say whether the Crown Attorney said "You are free to go" or whether he so advised the Court and the Court made that formal direction. I don't know that, sir.

Q. Following these events you returned by car to headquarters in Toronto?

A. Yes, I did, sir.

Q. Who accompanied you in the car on the return trip?

A. I don't know that, I don't recall that.

Q. Do you recall whether you had more than one car at Brampton that morning, that is, police cars?

A. To say specifically, I could not do it. I can only draw a conclusion, that is, that we were there in numbers from our own branch, and we knew that transportation was going to be a problem to us, and I can only feel that we would have taken along perhaps as many vehicles as we had at our disposal, and by that I would have to feel that we had more than one car.

Q. Were you or any of your fellow

we had discussed were formally released.

Q. And were told to go by whom?

A. Mike I [illegible] Henry [illegible]
the Court's attorney. I can see the release,
the ways it would come about, but my memory
[illegible] at this moment.
the Grand Secretary said "You are free to go"
or whether he advised the Court and the
[illegible] Court Operator. I don't
even know, [illegible].

[illegible] the [illegible]
restored by our investigators in December?

A. Yes, I did, sir.

C. [illegible] was accompanied [illegible] in the car
on the return trip?

A. I don't know that. I don't recall
that.

Q. Do you recall whether you had
more than one or [illegible] that morning.
that is, prior [illegible]

A. To my knowledge, I could not
do it. I was only given a conclusion, that is,
that we were there in numbers from our own
person, and we knew that examination after was
ordered to be a [illegible] to us, and I was only
told that I would have to [illegible] [illegible]
we had discussed were formally released.

Q. Were you or any of your fellow

officers upset about the letting of these prisoners go that morning?

A. I wouldn't say that we were upset. We were satisfied that we had not gained evidence. I am satisfied that I was a little bit put out by the direction passed to Mr. Davis, and I am satisfied that he was a little bit disturbed at this same direction.

Q. Let me understand it. Assuming there was some direction passed to Mr. Davis, what, if any, part did it play in the decision to let those men go?

A. Well, they were released. I would say out of respect he would have been required to release them as the result of his direction, but by the same token we had not gained any evidence to hold them any longer, so the persons would have been released at any rate.

Q. Well, if there had been no telephone call, what would have been the result?

A. They would have been released. I would say this, that if there was a call -- and I am satisfied there was, if I am to believe Mr. Davis -- that that direction could have come at a time when our proceedings was in their progress.

Q. You mean if it had come half an hour earlier it might have been in the midst of the inquiry?

A. This I am satisfied of.

Q. In your diary of 1954 which I think you have there -- where are your diaries? Have we got them?

THE COMMISSIONER: The witness has it now, Mr. Wilson.

MR. WILSON: Q. I direct your attention to the date in your diary, November 24th, 1954.

A. Yes, sir.

Q. I will read you what I understand is the entry that you made, and you can check it.

"November 24th. Raid at Cooksville "Club, Unit 326. All persons taken "to Brampton jail. Night examined "under Section 642. Message left "with Crown Attorney Davis this date "for him to call A.G.'s office, part "way through proceedings. Advised to "discontinue proceedings forthwith. "This procedure annoyed Mr. Davis." Now, that is the entry you made?

A. That is not a diary entry. That is a preparation I had made from my diary entry. It is not identical diary entry.

Q. Then I had better see your identical diary entry, because how do these things come to be re-written?

A. Because this is -- the article that you read is a preparation from my

recollection of the events.

THE COMMISSIONER: Just read what is in the diary, Mr. Wilson.

MR. WILSON: Q. "November 24th,
"2.00 a.m., 1.00 p.m. Anderson,
"Armstrong ---"

A. Pardone me -- yes, 1.00 p.m.

Q. "Anderson, Armstrong, Wright,
"Scott and self executed search
"order at Branch 326".

Will you tell me what those initials are?

A. Army, Navy -- A, N and AF.

Q. "Army, Navy and Air Force" and I cannot read the next.

A. "Vets Club".

Q. "Vets Club, Cookaville, entered
"approximately 3.15 a.m. 34 persons
"detained for investigation and
"conveyed to Peel County Court Buildings,
"Brampton."

And the next word?

A. "Investigation conducted".

Q. "Investigation conducted under
"provisions of section 642 C.C."

which would be the Criminal Code

"Crown Attorney Davis, Magistrate
"Blain and S.Gebirtig and Herman for
"all accused. Eight persons questioned
"on oath. Nil results. All persons
"released. Returned to Toronto."

Q. And that is the quotation?

A. That is correct.

Q. What I have read is exactly what you put in?

A. That is correct, sir.

Q. Did you put that in at the time or round about that date?

A. It would be upon the return to Toronto to the office of the Anti-gambling branch.

C2

Q. That will be Exhibit No. 14 what I read to you a moment ago.

--- EXHIBIT No. 14: Bllce diary of W.J.Shrubb

MR. WILSON: Q. I show you a document which appears to be a photostat which is headed "Diary Notes, 1954" and in the left hand upper corner there is "Notations as entered in daily diary period April 1st, 1954 through December 1st, 1958"?

A. Yes, sir.

Q. Followed by what appears to be the signature of W.J.Shrubb?

A. Yes, sir.

Q. Did you prepare this?

A. Yes, sir, I did.

Q. And these purport to be taken out of your diary?

A. Yes, they are, sir.

Q. Let us read -- I would like to

mark this as Exhibit 15, Mr. Commissioner.

THE COMMISSIONER: What do you call it?

MR. WILSON: Q. Well, you explain to the Commissioner what you call this. At least he says it is notations as entered in the left hand upper corner. Now, is that or is that not a fact?

A. Yes, this item which we have here is a fact and when we have, I refer to the item dated November 24th ---

THE COMMISSIONER: Wait a minute, Mr. Wilson. I want him to describe what the document is. It consists of a number of sheets of paper, and has it gota title?

A. Yes.

Q. What is the title?

A. It is designated at the top, my lord, as "Diary Notes, 1954".

Q. 'Diary Notes, 1954", anything else on the title?

A. Only those notations which Mr. Wilson has read.

Q. At the top it is headed "Notations as entered in daily diary period April 1st, 1954 through December 31st, 1958" and below that is "W.J.Shrubb". Your signature?

A. Yes.

THE COMMISSIONER: All right.

MR. WILSON: We can follow it with this one.

THE COMMISSIONER: Did you prepare this, Mr. Shrubb?

A. Yes, I did, my lord.

Q. And what is contained herein purports to be the notes from your diary under different dates?

A. Yes, that is correct, my lord.

THE COMMISSIONER: All right, that will be Exhibit 15.

--- EXHIBIT NO. 15: Document entitled "Notations as entered in Daily Diary, period April 1st, 1954 through December 31st, 1958" W.J.Shrubb

THE COMMISSIONER: Now find out why that was prepared.

MR. WILSON: Q. Why was this document, Exhibit 15, prepared?

A. This was prepared in the first instance for the information of the investigating officers who were investigating an alleged bribery between one Wright, Feeley and McDermott, and I was preparing notations or preparing a brief of these occasions which were entered in my diary which may or may not have some use for that investigation.

Q. Now, when was this done?

A. It would have been some time after the arrest of Wright. I believe his arrest was in 1960, and it was some time after that.

THE COMMISSIONER: When in 1960 was he arrested?

MR.WILSON: May 28th, 1960.

Q. Could I have Exhibit 14. I want you to look at the entry you have made in your police diary of November 24th, 1954, which is in Exhibit No. 14 and compare that with the notation which you say is a notation "as entered in daily diary for the period April 1st, 1954 through December 31st, 1958"?

A. Yes, sir.

Q. And just tell me whether or not they are the same entry?

A. No, they are not, sir.

Q. They are quite different?

A. Yes, sir, they are.

Q. And if I look at your actual diary, I will not find any reference to these words which appear in what you say is a notation as entered in your diary, as it appears in Exhibit 15.

"Message left with Crown Attorney
"Davis this date for him to call
"A.G.'s office, part way through
"the proceedings. Advised to dis-
"continue proceedings forthwith.
"This procedure annoyed Mr. Davis."

A. Yes, sir.

Q. I will not find that in your diary at all?

A. That is right, sir.

Q. Then why in Exhibit 15 do you say that these notations are notations "as entered in daily diary"?

A. I would say that this is an error on my part, and the only explanation I would be prepared to offer is that in my preparation of this I was including, in addition to the actual notes in the diary, some of those things which may have a bearing on the investigation, and that is why that is in there. I know that when I was preparing these, I started in two or three different forms to make an examination of my diary. May I have just a moment, sir?

MR. MacKINNON: Mr. Commissioner ---

THE COMMISSIONER: Just a moment, now. I will hear you in a minute, but this witness is cogitating something, I don't know what.

MR. MacKINNON: This may help him.

THE COMMISSIONER: I don't know what he is doing.

THE WITNESS: I was going back to another date or two, my lord, to see if the notations preceding November 24th notation were identical to the diary notes, which is in accordance with what I said that I had started in two or three different forms to draw together a preparation and inserted into the diary notations from -- my understanding

more of less of the events in reference to the brief diary notes.

THE COMMISSIONER: Have you got some of these earlier efforts?

A. I have not, no.

THE COMMISSIONER: Let me see what you are talking about.

MR. MacKINNON: Mr. Wilson had this document which ---

THE COMMISSIONER: Just a moment.

MR. WILSON: I have not seen that document, Mr. Commissioner, and as far as I am concerned we are not going to put documents in until I have seen them.

MR. MacKINNON: With respect, it came from your junior, and it shows that the witness may be protected by the use of that document. It has right at the top of it ---

THE COMMISSIONER: Let me see it. Just a moment, gentlemen.

MR. MacKINNON: I don't think the witness should be ---

THE COMMISSIONER: Just sit down a minute until I look. I have just been handed something, Mr. Shrubb. I was asking you, do you have any of your earlier efforts at compiling something for the investigating officers who were investigating the alleged bribery by Wright. Did you retain any of those?

A. I may have. I don't know. I had kept it together in one rather bulky file, and the only conclusion I can draw is that that is exactly what this preparation is here; and if it has gotten in by my -- into this file by my insertion, then I am at error.

I do know that I started in two or three different ways to prepare these notes, and then I think in the long run I reverted right to the identical notations which were in the diary in some preparation. I notice this actual, this preparation is headed "Diary Notes of 1954" and the dates are May 10th, September 9th and September 14th, and this is not the entire notations as they would appear in my diary of 1954 because I was at that club out there in April and May and maybe June on several occasions, and certainly they are not contained on this item here.

THE COMMISSIONER: Now I will hear you, Mr. MacKinnon.

MR. MacKINNON: I am equally at a loss with you, sir. This had been handed to me. You will note that it has notations which, as the witness has pointed out, begin in April 29th. At the top it has a tick mark, and opposite an identical tick mark it says "Means occurrences as per diary notes". There is no tick mark opposite, for

A. I may have. I don't know.

I had made the suggestion in the former policy, and the only conclusion I can draw is that they do consult more fully previously to the decision; when I am asked why it is not putting it by my -- into this file by my inference, then I am at sea.

I do know that I asserted in two or three different ways to produce those notes, and then I wrote in the long run I received right to the Executive Mansion. I received "Many Moons of Light" and the duties are May, September 9th and September 10th, and then is not the entire transcript as they would appear in my study of 1924 because I was not [illegible] during several occasions, and certainly they are not contained on this item here.

[illegible] I am equally at a loss what [illegible] to [illegible] at this moment.

[illegible] to Agent Cook. At the top it has a [illegible] and opposite an [illegible] "none."

Q. There is no star mark opposite. Is

example, a number of these items and particularly November 24th. Then written in ink at the side of it is "part re Mr. Davis not in diary", so this witness prepared this document ---

THE COMMISSIONER: Who would write in thewords?

MR. MacKINNON: I don't know.

THE COMMISSIONER: Mr. Wilson, have you the original of that?

MR. WILSON: Mr. Commissioner, this document apparently came to my office a few minutes before ten o'clock this morning, but not to my attention.

THE COMMISSIONER: Which document?

MR. WILSON: The document you have just been reading, this same memorandum which is handed to you.

THE COMMISSIONER: Yes, it came to your office this morning from whom?

MR. WILSON: From Inspector Graham. I have no knowledge about it at all at this moment. Therefore I cannot assist you on it.

THE COMMISSIONER: Have you any further questions you want to ask this witness?

MR. WILSON: Yes, I am not through with this witness.

THE COMMISSIONER: Go ahead.

MR. WILSON: Q. Why do you in effect certify on Exhibit 15 that that entry for

November 24th is an entry that we will find in your diary, when it in fact does not appear there?

A. This I am at a loss to know.

Q. You are at a loss to know.

A. Other than I felt that I should include it in. It is my recollectionof those events as they happened and I inserted it in there for the information of those persons who were making the investigation.

Q. Before you made up that chronology appearing in Exhibit 15, with whom did you discuss it?

THE COMMISSIONER: Before?

A. I didn't discuss it with anybody. I prepared it myself, I did not discuss this with anybody.

MR. WILSON: Q. What material did you use to prepare it from?

A. In part of my diary, and certainly the part about the phone call from my memory.

Q. Are there other statemenss that appear in Exhibit 15 that are based on memory rather than on your diary entries?

A. This I would have to check them all myself to be satisfied of that now. I know as late as Sunday for this specific purpose to make sure that these notes were identical to my diary, I compared some of them to be sure and just took them at random and they were and

I accepted them.

Q. Why did you represent those entries in Exhibit 15 as being notations as entered in your daily diary, when in fact they were not?

A. This was an error on my part.

Q. That is all. I will be recalling, as I stated, this witness later today or tomorrow.

THE COMMISSIONER: Mr. MacKinnon, have you any questions?

MR. MacKINNON: Yes, sir.

EXAMINED BY MR. MacKINNON:

Q. Mr. Shrubb, I will be wishing to question you further at a later date, but I am restricted now to the 1954 episode that we have just been discussing. You were asked one general question that I would like to recall to your mind, and that is you were asked whether you felt that this Club being a branch of a federally incorporated club and a social club, hampered your activities; and you said, I believe, you answered that "Yes", is that correct?

A. That is right.

Q. Were you advised at the time as to the presumption in your favour, if I may put it that way, even with regard to

social clubs? For example, if your entry were impeded or unlawfully obstructed, that this was prima facie evidence that this was a gaming house?

A. I was aware of this.

Q. You were aware of that, and that the doors were locked, for example?

A. Yes.

Q. And that this would be evidence, and that also there was an onus on the social club to establish that fact that they were not?

A. Yes, sir.

Q. You knew that?

A. Yes, sir.

Q. Did you ever consider laying a charge against the Vets Club because your entry was obstructed? You did not get in right away, did you, on any occasion?

A. Well, there were occasions when we went there and the doors were unlocked and open and we walked right in.

Q. They were expecting you?

A. We have been known to say that.

Q. But on this occasion, November 24th, 1954, the doors were locked according to your report.

THE COMMISSIONER: They were always locked as I understand it, is that not true, Mr. Shrubb? They might have been opened immediately or there might havebeen some delay

in opening them, but they were always locked?

A. Not on all occasions. There were times I arrived and the doors would be a jar and you could walk right in.

MR. MacKINNON: Q. This was not one of those occasions then?

A. I have no note of it being a forced entry.

Q. Let me refresh your memory by reading from Sergeant Anderson's report. He states that you came to a stop in front of the entrance and that one of the two look-outs made a dive for a push button located in the door frame and pressed this button, and this man was Mr. Bernard Weinrib. You knew him, did you?

A. Yes, sir, I did.

Q. Then you approached the front door and through a small open window to the immediate left of the door, called out, "Provincial Police - open up", at the same time taking a note of the time. This is Mr. Anderson speaking?

A. Yes, sir, this could be.

Q. And a man known to the writer as John Cappelli passed in view and he was told to open the door, and a second man approached at this time, opened the front door and that three-quarters of a minute had elapsed since

first calling out. I take it the door was locked at that time. You wouldn't have to ask them to open it up if the door were unlocked, would you?

A. No, we would have walked right in, yes.

Q. So I think I am safe in my assumption that the door was locked?

A. I would say yes. I don't recall this, but I would say you are safe in your assumption.

Q. Was there any discussion with the Crown Attorney at this time dealing with this question of a locked door and the refusal to give you immediate admittance to the premises?

A. I don't know that, I don't recall.

Q. Then you turned to the examination of these seven men. Were they all in court together when one of them was being examined? In other words, were the remaining six listening to the examination of the witness?

A. I don't recall. I would not feel that they would be but I don't recall.

Q. Were Mr. Herman and Mr.Gebirtig cross-examining?

A. Yes, they were, sir.

Q. You stated you had made -- sorry, are you sure of that, that one or other or both did cross-examine the witness?

A. Yes, I am.

Q. I have mentioned Gebirtig to you, and you said in your evidence, I believe, that you had met him some time earlier on the premises?

A. Yes, sir.

Q. What was the name of the club at that time, do you remember? Have you got it in your diary?

A. At that time it was known as the Alpha Club, and that was a raid carried out on May 1st of 1954 and reported upon by myself.

Q. I see. Now, coming to this episode of the telephone call, regardless of whether it was in your diary or not, you are under oath today?

A. Yes, sir.

Q. Are you affirming positively that the Crown Attorney Grenville Davis stated to you on this occasion that he had received a telephone call from the Crown Attorney's office advising him to discontinue these proceedings?

A. I am positive. The note was presented to him by his stenographer or member of his female staff. At the time that she entered, passed it to him, he was advised to call the Attorney General's office, and when he completed his call he stated that he had been advised to discontinue these proceedings

immediately.

Q. And that call had come through for him prior to the completion of the hearings? This was a message waiting for him at the recess, is that right?

A. That is correct.

Q. Did he advise you who had made that call or to whom he spoke?

A. No.

Q. At no time?

A. No.

Q. So you don't know ---

A. I never associated that with any name.

Q. I see, so I take it even though you may have had a recess for the purpose of consultation, you had no consultation with the Crown Attorney? He went immediately to phone, did he, as soon as he got this message from his secretary?

A. As I recall it he did, sir.

Q. After he came back you did not have any consultation as to what you were going to do?

A. I would not say that we did not talk about it, about the proceedings, but I don't know that.

THE COMMISSIONER: Was the recess called because he was called to the phone?

A. No, sir.

THE COMMISSIONER: You rather left the impression that that was the purpose of the message.

MR. MacKINNON: No, I am sorry if I did, Mr. Commissioner. What I said to this witness was whether this phone call was waiting for the Crown Attorney at the time the recess was called, and I understood him to say yes it was.

THE WITNESS: That is right, it was presented to him upon our arrival back in his office after having left the court.

THE COMMISSIONER: In other words, before leaving thecourt he did not know that there was a call?

A. That is right, my lord.

MR. MacKINNON: Q. Would you know who this secretary was?

A. No, I don't.

Q. It was a lady secretary?

A. It was, yes.

Q. And you said, I believe, that Mr. Davis was annoyed, you felt. How did he express that annoyance?

A. I think more by his appearance to me than anything else.

THE COMMISSIONER: Well, was there anything else?

A. I was satisfied in my own mind ---

Q. I did not ask you what you were

satisfied about. I asked you if there was anything else?

A. I recall of nothing other than his appearance and the manner in which he related it to me.

Q. And that was the conclusion you drew?

A. Yes, sir.

Q. From his mannerism?

A. Yes.

Q. And nothing else led you to the conclusion except his mannerism?

A. No, sir, not at that time. I might say that there was a discussion of this matter at a later date.

Q. I am only talking about your contact with Davis at that time.

A. Yes, my lord.

MR. MacKINNON: Q. You are talking about mannerism, I understood you to say, in the way he said it to you aswell?

A. Yes, sir.

Q. Coming to this discussion at a later date, did you report this to Inspector Tomlinson or have any discussion with him about it?

A. Yes, sir.

Q. And what was that discussion and do you remember when it took place approximately?

A. It could have been upon our return that day.

THE COMMISSIONER: Now when was it? Have you got a definite recollection?

A. No.

Q. Don't say it could have been.

A. I can only go from -- I have no knowledge of the date and time.

MR. MacKINNON: Q. Was it within a week after this?

A. Yes, sir.

Q. And what did you report?

A. Well, certainly we acquainted him with the circumstances of the matter.

THE COMMISSIONER: Who? You say "we did".

A. We worked as a team and we conveyed matters of mutual interest.

MR. MacKINNON: Q. Is this Sergeant Anderson?

A. Yes, that is right. Whether he conveyed it to me or whether I conveyed it to him or whether this was passed on to him as a mutual effort or not, I fail to recall this, but at any rate it was passed to him and he took it on from there.

Q. What did he do about it?

A. Whether by phone or whether he went out to see him, I would feel he went out to see him.

THE COMMISSIONER: When you say "you would feel" do you know that he did?

A. I seem to recall that he did go out to see him after this.

MR. MacKINNON: Q. And did he discuss this subsequent interview with Davis?

A. He indicatedto me that he had, yes.

THE COMMISSIONER: Witness, how long were you on the Force, from April 1954 until when?

A. Until the end of December, 1958.

Q. You have given evidence in court many times, I suppose?

A. Many times.

Q. You say that you would seem to recall this, you seem to recall something else. Have you a definite recollection of it?

A. I am satisfied that he did.

Q. What satisfied you that he did?

A. In that he reported to us or to myself -- I will say to myself -- whether Anderson would have been there or not I don't know, that Mr. Davis in his remarks that Tomlinson made was washing his hands with the whole thing.

Q. You have a definite recollection?

A. Yes, sir.

Q. Of Tomlinson saying to you that Davis had told him that he was washing

his hands of the whole thing?

A. Yes, my lord.

Q. That is a definite recollection?

A. Positive and definite. The Inspector himself ---

Q. Just a moment, please. Yes?

A. The Inspector himself did considerable work in pre-arranging this event itself.

Q. You mean the raid?

A. Yes, sir. He did not join on the raid but he pre-arranged that this course would follow.

Q. What course would follow?

A. That we would take these persons ---

Q. Bring them in and examine them under oath?

A. Yes, sir.

MR. MacKINNON: Q. Would Inspector Tomlinson have kept diaries, do you know?

A. That is one of the requirements of every member of the Department.

Q. Where would the diaries be located now?

A. This I don't know, sir.

MR. MacKINNON: Possibly, Mr. Commissioner, Mr. Wilson could ascertain where Inspector Tomlinson's diaries are.

THE COMMISSIONER: Well, when you leave the Force, do you leave your diaries with the

office?

A. I did mine, sir.

Q. Was that the practice?

A. That was the requirement, yes.

THE COMMISSIONER: Probably there.

MR. MacKINNON: This Exhibit 15,has the original been filed?

THE COMMISSIONER: The diary notes, yes.

MR. MacKINNON: This is a photostat.

THE COMMISSIONER: This seems to be probably a photostat. I don't know.

THE WITNESS: I have my doubts, if I may say this, if ever an original of these notes was forwarded in the first place to Chief Inspector Graham. It is quite possible that I typed in the form of a loose leaf note page the notations and then had them photostated and forwarded to the Chief Inspector, and have retained the originals myself.

MR. WILSON: Mr. Commissioner, he had the originals right inside the book he has got right here.

THE WITNESS: Yes.

THE COMMISSIONER: Just a moment.

MR. WILSON: If you read it to the Commission what is in it, at the right date.

THE WITNESS: Which date do you wish, November 24th?

MR. WILSON: November 24th.

THE WITNESS: Yes, sir. That contains --

as I say, it has been asked as to the original of these notes, and I do not feel there ever was an original forwarded through to the Chief Inspector. I feel that that was the preparation as is in the book there in the green pages and then they were photostated by one of -- photo-copied by one of my own staff and the photostats forwarded to Chief Inspector Graham as the copy.

MR. MacKINNON: Q. Mr. Shrubb, you mentioned that your entries certainly begin before May 10th which is the opening date in Exhibit 15?

A. Yes, sir, that is right.

Q. And I have been given a document and maybe you can tell me what it is?

A. Yes.

Q. It is obviously your diary notes, it is headed "Diary Notes, 1954" and starts April 29th and at the top there is a tick mark which says ---

A. Yes.

Q. "Means occurrence as per diary notes"?

A. Yes.

Q. Is that yours?

A. Yes, that is mine.

Q. Is that one you submitted to Inspector Graham?

A. That was a preparation that was

just made within the last two or three days because these first three pages of this book were contained in the back and were not copied, and we discovered that the first page of this preparation was headed May 10th and then went to September 9th. When I looked at them and perused it I knew there were previous things which must be some place, and they were contained further back in this book mixed amongst other papers.

THE COMMISSIONER: This document which Mr. MacKinnon has, when was it prepared?

A. They would have all been prepared ---

Q. Not "they would be", when was it prepared?

A. Time and date I cannot say.

Q. Where did you first see it?

A. I made these notes in my own office in Peterborough.

Q. Then when?

A. I can only say some time after the investigation with respect to Wright and Feeley and McDermott, after the arrest of Wright, when I was asked to make a preparation, and the time and date of that I do not know.

Q. So did you prepare first the one Exhibit 15 or the one that Mr. MacKinnon has just handed to you?

A. I would say both preparations

were made very close around the same time, and the reason there are two is because of what I tried to explain, that I started in two different forms to prepare these notes. Then I set one aside in preference to another way or another preparation.

As will be noted on one page I have here "Diary Notes". If you will note, my lord, there are no written notations or typed notations on this copy at all, but yet on this preparation which Mr. ---

Q. "This copy" being the one that Mr. MacKinnon has just handed you?

A. That is correct.

Q. And has not yet been marked as an exhibit?

A. Yes, sir.

MR. MacKINNON: Q. Is that your handwriting at the top of this document?

A. That is right, and that was put there within the last week because I took this preparation and ticked the occasions. It was prepared for the purpose of the trial at the City Hall, and for a quick reference to the prosecutor there I ticked those notations which would have reference to the Cooksville Club for this trial.

THE COMMISSIONER:

Q. Let me see it, please.

A. And then ---

Q. Just a moment. What was it that

THE COMMISSIONER:

you say was added within the last two or three days?

A. The tick marks as they appear along the right hand side of the page, and then I made the notation at the top in writing what the tick mark means. It is kind of chopped off there.

Q. What is it? It is your handiwork?

A. I am quoting from the original, my lord:

"Means Cooksville Club occurrence

"as per diary notes".

Q. All right. This is something that was prepared on or about the time you were preparing Exhibit 15?

A. Yes, sir.

Q. And everything that appears upon it was put there originally except, that as I understand you, the tick marks on the right hand side and the writing at the top "Means" ---

A. "Means Cooksville Club occurrence as per diary notes". I have it here in the original form, my lord.

Q. I see.

A. That has been chopped off by means of the photostat process.

Q. All right, so that we will get this clear, put that in as Exhibit 16.

MR. MacKINNON: I wonder if Mr. Wilson can give me a little cleaner copy(I think I marked that up) than the one he has handed me.

THE COMMISSIONER: This is the only one you have, is it not?

MR. WILSON: I know nothing about it. Maybe Mr. Carty can enlighten us.

THE COMMISSIONER: What is it, Mr. Carty? How did this thing come about? When did you get it?

MR. CARTY: This was received this morning, Mr. Commissioner.

THE COMMISSIONER: From whom?

MR. CARTY: Inspector Graham. We had previous copies of the Exhibit 15 in our file, and for the purposes of this morning we were going to have additional diary notations included.

Exhibit 15 commences at May 10th, 1954. Inspector Graham informed me yesterday that we would have additional diary notes from April 29th which was not included in the original diary notations which we had commencing May 10th.

THE COMMISSIONER: Yes.

MR. CARTY: So these copies were received this morning, and I assumed that they were in the same form as Exhibit 15 and were handed out to Mr. Brewin and Mr. MacKinnon.

[illegible]

[illegible]

[illegible]

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They were not directed to Mr. Wilson's attention because I assumed that they were the same as the diary notations we already had.

THE COMMISSIONER: All right. Just a moment. Did you, Mr. Shrubb-- were you and Mr. Graham discussing this last night?

A. Not discussing it. I knew when I looked at the Exhibit 15 and saw it commenced on May 10th and then goes to September 29th that this was not a full representation of my diary notes; and then by looking back in the other files here I knew -- I come on these three pages and I knew that preparation was not in its entirety, and it was then that these additional three pages were photostated. This is why they were handed this morning -- they were prepared yesterday and this is why they were handed this morning.

Further to that in this preparation, I am asmuch disturbed about this addition to it, but on my original notes where I have them ticked I have written down here "Part re Mr. Davis not in diary" and I believe it does appear.

Q. When did you put that down ?

A. That was put there the other day. I would say within the last week, on

examining these notes and making a comparison with my diary and with my further transcript -- not transcript but my further translation of these notes, I noticed that this was not in there and made the note of this ---

Q. When did you make the notes there in your loose leaf book and I am now quoting opposite the entry of November 24th written in ink, "part re Mr. Davis not in diary". When did you put that in?

A. I can only say within the last week. The day I am not sure of.

Q. I see.

A. But it was as a result of an examination and comparison of things from my diary and these notes that I made, and it does appear on the photostat copies that I believe the learned members of the court have.

Q. This was photostated within the last two or three days, if talking with Mr. MacKinnon means anything?

A. Yes, I feel so.

THE COMMISSIONER: We will get it marked now as Exhibit 16. What do you want to call this, Mr. Shrubb, "Diary notes commencing April 29th", will that sufficiently designate it?

A. Yes, my lord.

Q. 1954, and this is a photostat

of some originals?

A. Yes, my lord.

--- EXHIBIT NO. 16: Diary notes of W.J.Shrubb commencing April 29th.

THE COMMISSIONER: Where is the original?

A. Here, my lord. (Handed)

Q. You are now producing a loose leaf book unpaged, and one of the pages is headed "Diary notes 1954" and on that page the first item is May 10th. How far do they extend as included in this Exhibit 16?

A. The first page, my lord -- you had those pages turned over -- the first page of these notes actually is headed April 29th. You referred to it having it open at this page, that the first date was May 10th, but actually the first one is April 29th.

Q. I only took the page at which you opened. You now produce a loose leaf book headed "Diary notes commencing April 29th, 1954"?

A. Yes, sir.

Q. And continuing through -- you take a look at -- continuing through until when?

A. December 22nd, 1958 is the last calendar date noted here.

Q. All right, those pages were

photostated within the last two or three days?

A. The first three pages were. They were photostated and presented here this morning, and that is when they were photstated, within the last few days.

Q. When were the other pages in Exhibit 16 photostated?

A. Exhibit 16, my lord?

Q. Yes, this is Exhibit 16. (handed)

A. I can only speak for the first three pages, and I would say they had been photostated within the last few days, but the rest of them I don't know when they were photostated. This preparation here, this is a process, I believe, onthe Provincial Police copying machine, and it is not one of their own, and when they were photostated, that particular copy, I don't know.

Q. All right.

A. I am sure of the first three because I know these entries were only entered there within the last few days, and that is what I say about the part about November 24th where I have made the notation of Mr. Davis. This preparation has it on and this preparation does not have it on, and I am at a loss to know when this was photostated.

Q. Now "this" being Exhibit ---

A. Exhibit 15.

Q. All right.

A. As I say, I made the notation in my originals, the part re Mr. Davis not in diary, at the same time as I have made these other check notes on there for the preparation of the last trial down at the City Hall.

THE COMMISSIONER: All right, let us take a ten minute recess.

--- Short recess.

(Page 350 follows)

MR. MacKINNON: To your recollection, were these - were these 34 men that you removed from the premises the only people who were on the premises at that time, or can you recollect?

A. I would say they would be the only persons. We would take everybody.

Q. There was nobody left behind to receive phone calls?

A. No, sir.

Q. Now, did - can you recollect whether any of these 34 men, whether any of those men were allowed to make phone calls once they were taken away from the premises when you had them locked in jail, in the corridors, and what not?

A. I don't personally recall any phone calls, but there were solicitors arrived so - - -

Q. Yes?

A. - I could only assume that calls must have been made to someone to summon their assistance.

Q. Well, we have heard about one phone call that Sergeant Anderson spoke to Mr. Gebirtig over the telephone from the premises. Were you there when that telephone call was made?

A. I don't recall this.

Q. Then, were you present when Mr. Reid presented himself for the $810.00?

MR. MACKINNON: To your recollection.

Plus the questions the only people who were in the precinct on that time, or was Jan Mansfield one of those only persons. He would then everybody.

Q. There was nobody left waiting to vote plus Hallet?

A. No, sir.

Q. Now, old - can you recollect whether any of those were taken away from the premises when you had more ballots and it was just you and Hallet?

A. I don't personally recall any phone calls, but there were solicitors arrived

no - - -

Q. Yes?

A. - I could only assume that calls must have been made to summon their assistance.

Q. Well, we have already spoken to Deputy Anderson going to the 4th. Certainly over the telephone from the polling place.

Now you spoke when that helicopter call was made?

Q. I don't recall that.

A. Then, maybe you misunderstood me.

Q. There was nobody left waiting to vote plus Hallet

A. No, sir.

Q. Now, old - can you recollect whether any of those were taken away from the premises when you had more ballots and it was just you and Hallet

A. I would say they would be the only persons. He would then everybody.

MR. MACKINNON: To your recollection.

A. Yes, I was, sir.

Q. And he claimed it was his?

A. Yes, sir.

Q. Do you know was Mr. Gebirtig present?

A. This was in the court.

Q. It was in the court?

A. Yes.

Q. I see.

A. Mr. Reid took the witness box.

Q. Oh, he was under oath when this was given, or can you remember?

A. Well, he tookthe witness box. Whether - -

Q. Whether he was under oath or not, you cannot remember?

A. I don't remember the oath being administered, but he was in the witness box.

Q. I see. Isn't it a fact you were subsequently advised by one Vincent Feeley that the money was his?

A. Yes, sir, I was.

THE COMMISSIONER: When?

A. It was in a subsequent conversation that I had with Feeley over the telephone. I don't know when, My lord. I had many calls with him - from him.

THE COMMISSIONER: Was it shortly after, or some considerable time?

A. Yes. I was, sir.

Q. And he claimed it was mine?

A. Yes, sir.

Q. Do you know who he, (whisper):

(Omitted)

A. [illegible] in the room?

Q. It was in the county?

A. Yes.

Q. I see.

A. Mr. Judd took the witness box.

Q. (Mr.) He was under oath when

Clyde was given, or can you remember?

A. Well, he took the witness box.

Question -

A. Whether he was under oath or not.

You cannot remember?

A. I don't remember the oath

being administered, but he was in the witness box.

Q. I see. Isn't it a fact you were

somewhere [illegible] by the Village Police that

the reason was this?

A. [illegible] I was.

THE COMMISSIONER: Strong

Q. It was in a subsequent conversation

that I had with Hanley over the telephone. I

don't know whom, my lord. I had many calls with

him - from him.

THE COMMISSIONER: Was it shortly

after, or some considerable time

A. This I don't recall.

THE COMMISSIONER: You can't recall whether it was - -

A. No.

THE COMMISSIONER: - shortly after or a considerable time?

A. No, I don't, my lord. I have received many calls from Feeley.

MR.MacKINNON: I think, my lord, we will be going into this evidence at a later occasion. Maybe it will appear in one of those.

Now, one last question on this matter, Corporal - Mr. Shrubb: Did Mr. Tomlinson, or Inspector Tomlinson advise you why Mr. Davis was washing his hands of the whole thing?

A. He didn't speak of it to me.

THE COMMISSIONER: All right, then. He didn't advise you.

MR. MacKINNON: Did Mr. Davis spell it out, to your knowledge, to Mr. Tomlinson?

A. I didn't have a further conversation with Mr. Davis after we left there on the day of the 24th.

Q. What I am getting at, so far as the report to you by Inspector Tomlinson, that he reported to you, so far as Mr. Davis' statement is concerned, that is that Mr. Davis was washing his hands of the whole affair?

A. That is correct.

Q. No other statement that you can recollect?

A. Not that I recollect.

MR. MacKINNON: Yes. All right, thank you.

THE COMMISSIONAR: Mr. Brewin, have you - has he a representative here?

MR. SCOTT: Mr. Commissioner, Mr. Brewin did have some questions to put to the witness. He just stepped outside a moment ago.

THE COMMISSIONAR: Well, where is he? We can't hold up the proceedings all morning waiting for him. Well, go and look if you can find him.

Did Feeley call up subsequently to tell you the money was his, or was that just a part of a longer conversation?

A. It was part of another conversation.

MR. BREWIN: I am sorry, Mr. Commissioner, I thought my friend would be longer in his examination.

THE COMMISSIONAR: Have you some questions you want to put to this witness?

MR. BREWIN: Yes, one or two.

EXAMINED BY MR. BRAWIN:

Q. In the document, Exhibit 16, and I think Exhibit 2, is a reference to a special diary, 1958?

A. Yes, sir.

Q. That is a different diary, I take it, from the notation which starts out with saying: "Due to the fact Vincent Feeley "was able to call me at any time and "tell me of so many things which "related to the operation of the Branch "and its personnel, as well as tell me "almost immediately, when a report was "submitted, and when there was no "apparent help coming in this respect, "it was decided to post items of a "more important nature, in a second "diary, which I retained at home, "there are comparatively few of these "items, but what there are are as "recorded."

Did you turn that special diary in, Mr. Shrubb?

A. No, I have that diary.

Q. You have it?

A. Yes, sir.

Q. With you, now?

A. Yes, sir.

Q. Well, I don't intend to examine in respect to it, but I suggest, Mr. Commissioner,

EXHIBITS IN EVIDENCE

that that diary should also be made an exhibit, so it can be compared.

THE COMMISSIONER: Well, I don't know whether there is anything relevant in it or not.

MR. WILSON: Well, the diary has been made available to me, and it will be available later on,for any relevant facts that appear in it.

THE COMMISSIONER: All right.

MR. ERWIN: Then, Mr. Shrubb, I think - I don't think my friend Mr. MacKinnon askdd you about this. You said, I think, that on November 27th, when there was this recess, and - - -

THE COMMISSIONER: 27?

MR. ERWIN: 24th, I think.

THE COMMISSIONER: Yes.

MR. ERWIN: November the 24th, the recess, I think you said that the procedure normally would have been a discussion before the matter was discontinued, there would have been a discussion between perhaps the Crown and the officers there?

A. Yes.

Q. Yes. Now, that, I take it, did not take place; as a result of the report of the telephone conversations there was no discussion as to whether questioning should proceed?

THE COMMISSIONER: Questioning had been

concluded.

MR. BREWIN: Well, no, with great respect.

THE COMMISSIONER: No, with great respect, it had, according to this witness. That is my understanding, Mr. Brewin, with great deference.

MR. BREWIN: Well, my understanding is that he said in addition that there would have been some further discussion after the recess, as to whether they should proceed or not.

THE COMMISSIONER: Yes, but the questioning had been concluded, the questioning of the 7 witnesses.

MR. BREWIN: Oh, well - - -

THE COMMISSIONER: Is that not so?

THE WITNESS: That is right, my lord.

MR. BREWIN: But then there was some possibility of further procedures?

A. I think we had all mutually agreed that we had gained nothing by the examination of the witnesses,and the rest of it would be a formality.

Q. But was Reid not questioned after the recess?

A. I seem to think he was, when he claimed the money, yes.

Q. Yes. I put it to you that it was you suggested in-chief that there before

proceedings were finally discontinued, and not recessed, there would have been you anticipated further discussion as to whether anything - proceedings should be carried on in any way?

A. No, I don't recall having worded myself that way.

Q. Well, I - I may have not been putting it to you exactly accurately, but when you recessed there, had at that time been no discussion between the Crown and yourself and other officers there as to whether or not there should be further questions or the proceedings should be carried on in any way?

A. We had no consultation then, no.

Q. No, but did I not understand you to say that you anticipated some consultation?

A. But only - -

Q. It would be normal?

A. Only among ourselves, outside court, during the interval of the recess.

Q. But did that take place? That discussion?

A. I can't recall any specific thing that was said.

Q. I see.

A. It was the understanding that it was to - - -

Q. But it was a recess with a view

to some further proceedings?

A. It was recess, as I recall, to have us - for us to have a consultation ourselves with the Crown.

Q. Did you have the consultation?

A. Well, as I say - -

Q. Or did the telephone call come first? I suggest to you, Mr. Shrubb, that the report of the telephone call Mr. Davis gave terminated the matter, and you didn't have the discussion you would have anticipated?

A. The call came first. As I say, to say any specific thing which we did discuss, I can't recall it, but I couldn't say that we didn't discuss some of the matters of the case.

Q. Isn't it a fact, though, that the report of the telephone conversation, in effect, terminated the proceedings?

A. The direction was to terminate them.

Q. The direction was carried out though?

A. And in fact we had already been told that they would be terminated anyway, because we hadn't gathered anything in the way of evidence.

Q. Now, I think you said that Mr. Davis was a little put out. Did you also state

that you were put out?

A. That is right.

Q. Why were you put out?

A. I didn't think that after the planning that had gone into this, and the preparation for this, that we should be told to discontinue it in this manner.

Q. Do you know if anyone had consulted the Attorney General's Department about the matter before it was undertaken?

A. Prior to this day?

Q. Yes?

A. You mean prior to the 24th?

Q. Yes.

THE COMMISSIONER: Prior to the raid.

A. Inspector Tomlinson made those preparations.

MR. BREWIN: Well, you don't know?

A. I don't know.

Q. Whether anybody was consulted and I want to ask you about the use of this section. You were with the - - this Department for quite a long time. This particular section, and the one that followed it, by which people were taken, and then examined before a Magistrate, was that procedure used before?

A. I had never used it before.

Q. Do you recall if it was used again?

A. Not to my knowledge. Not by myself.

Q. And was there any direction as to not - in respect to not using it again, do you know?

A. Not to my knowledge.

Q. I see. Was there any criticism, to your knowledge, of the fact of the raid, and the way it was conducted on this particular day, on the 24th of November?

THE COMMISSIONER: Criticism by whom?

MR. BREWIN: Criticism by any official?

A. Not to myself.

Q. Not to yourself?

THE COMMISSIONER: Well, have you knowledge of any criticism by anybody?

A. No, sir.

MR. BREWIN:

Q. Did the failure on this particular occasion, to your knowledge, have anything to do with not using this particular method again?

A. Well, I have no knowledge of us ever having been told not to use it again.

Q. You didn't receive any direction not to use it again?

A. Not I, or none that I know of.

Q. Now, you don't know anything to indicate, other than the conversation that Mr. Davis reported, to indicate that the Attorney

General's Department was not pleased with this particular operation?

A. No, I know nothing of that.

MR. BREWIN: That is all, thank you.

MR. MacKINNON: Mr. Commissioner, there was one question I omitted to ask on this point, that I would like permission to ask.

THE COMMISSIONER: All right, ask it.

EXAMINED BY MR. MacKINNON:

Q. Witness, did you have a subsequent discussion, I believe on May the 20th, 1958, about this particular raid with Vincent Feeley?

THE COMMISSIONER: May 20th, 1958?

MR. MacKINNON: That is right, about this raid on November the 24th, 1954, when he was discussing what you should do with the Ramsay Club, and how you should conduct such a raid? Do you remember that telephone conversation?

A. Yes, yes, I do.

Q. And he did - - -

THE COMMISSIONER: What date was that?

MR. MacKINNON: May the 20th, 1958, I believe. I think it is page 13 and 14 of your - of the statement thatyou gave to Inspector Graham

originally for the prosecution of Wright, McDermott and Feeley. I see you have in your hand foolscap notes. Are they dated?

A. Yes, they are, sir.

Q. What are they dated?

A. May the 20th, 1958.

Q. And were they made shortly after this phone call?

A. Yes, they were, sir.

Q. Now, just restricting myself to what was - -

THE COMMISSIONER: After what phone call?

MR. MacKINNON: The phone call that I have mentioned already to this witness, from Vincent Feeley to him on May the 20th, 1958.

Now, just restricting yourself to what was said by him about this operative proceedings on November the 24th, 1954, he was suggesting to you that you use this section 642, as it was originally?

A. That is right, sir.

Q. In the same fashion as you had used it in the November 24th raid, is that correct?

A. Yes, sir.

Q. And then did he tell you that there would be no repercussions if you used that section?

A. Yes, sir.

THE COMMISSIONER: Well, what did he tell you?

MR. MacKINNON: Well, maybe you can go on from there?

A. Well, he stated that if we applied this process - - -

THE COMMISSIONER: This was in the telephone conversation?

A. Yes, it was, my lord, as against the operation at the Ramsay Club, that we would be successful, and to employ this process he could promise that it would not back-fire, that there would be no repercussions, and that the Attorney General's Department would not rear down upon us, and that he could guarantee no repercussions.

MR. MacKINNON:

Q. Did he - - -

A. And that the Attorney General's Office would not see fit to take a dim view of this.

Q. Did he say it will not back-fire like the time you took everybody to Brampton?

A. He did that.

Q. Or words to that effect?

A. He did that.

Q. Yes.

THE COMMISSIONER: Just a moment.

MR. MacKINNON: Is there anything else you can tell - - -

THE COMMISSIONER: Just a moment, Mr. MacKinnon. There would be no repercussions, and what else?

MR. MacKINNON: It will not back-fire.

THE COMMISSIONER: Let him answer.

A. He said that it would be successful, there would be no repercussions back here, and it would - -

THE COMMISSIONER: Back here?

A. Yes.

THE COMMISSIONER: Do you know the meaning of that?

A. I think I know what he meant, that there would be none here in Toronto.

THE COMMISSIONER: Yes. Just go on.

A. And he give me a promise from the Attorney General's Department that he would not rear down on this plan, he would guarantee no repercussions from the Attorney General's office, nor would he see fit to take a dim view of it.

MR. MacKINNON: I also ask you, witness, whether he stated that it will not back-fire like the time you took everybody to Brampton, or words to that effect?

A. He did say that.

THE COMMISSIONER: What did he say?

A. He said, I have a notation back-fire and it is he did say at the time we dealt with him

at Brampton.

MR. MacKINNON : Now, just to keep the record straight, the Ramsay Club we are talking about is the old Ramsay Club which was in competition, if I may put it that way, with Feeley and McDermott, is that correct?

A. Yes, yes.

MR. MacKINNON: Thank you.

FURTHER EXAMINED BY MR. WILSON:

Q. We have not fixed the time that Mr. Davis made this call thatyou speak of, this telephone call. Can you tell us what time of the day it was?

A. I can't. I - I recall that the proceedings started, I believe, at ten o'clock in the morning.

Q. Yes?

A. And I can only say whatever length of time it would have taken to go through those witnesses.

Q. Well, I wonder if the time set out in Exhibit 14, the diary, would assist you in fixing the time of the telephone call?

A. Well, from this, I would say that it would be, considering the fact that the proceedings started at ten o'clock in the morning, it would then have to have been between ten and one p.m. 10:00 a.m. and 1;00 p.m.

Q. Well, now, the 1:00 p.m. time, is that when you got back to headquarters?

A. Yes, sir. That concluded my tour of duty for that day.

Q. Yes, and after the recess, how much longer, in point of time, did you remain at Brampton?

A. I don't know. I can't recall.

Q. Well, haveyou no idea?

A. Those things which we may have did, no, I can't say.

Q. Well, have you any idea as to how long the examinations of these witnesses took?

A. No, only - only by estimating it from this diary.

THE COMMISSIONER: Well, what is your estimate?

A. Well, allowing us a reasonable time to drive back to Toronto from - from Brampton, and discontinue our day's duties, and even if we allowed an hour for that, then I would think, or it would have to have taken place between ten and twelve.

MR. WILSON: Well, and of course it

didn't take place until after the 8 persons were examined?

A. That is right, sir.

Q. And have you any estimate as to how long that took?

A. No, I don't know. Sometime within that two hour period, as - as deducted from the time notations here.

Q. And you have no idea, I take it, as to how long you stayed in the court house, or in Brampton, after the decision was made to let all these persons go free?

A. No, sir.

Q. Now, I just want to be clear about the notations as they appear in Exhibits 14, 15 and 16?

A. Yes, sir.

Q. And am I right in saying that in your diary, under date of November 24th, 1954, there is no reference to this telephone call we have been talking about?

A. That is right, sir.

Q. But it does appear in Exhibit 15?

A. Yes, sir.

Q. It was prepared somewhere around March, say, of 1961, at the time of the preparation of the case against Wright, McDermott and Feeley?

A. It was prepared - -

Q. After, possibly?

didn't come until after the 3 pleasant hours
evaluation?

A. That is right, sir.

Q. And have you any estimate as to
how long were taken?

A. No, I don't know. Something
within that one hour period, so - so during that
the time evaluation here.

Q. And you have no idea, I take it,
as to how long you stayed in the room? Would
it be two, three, after the question was made to
leave?

A. No, sir.

Q. Then, I just want to be clear
about the questions as they appear in Exhibits 14,
15 and 16?

A. Yes, sir.

Q. And on I might in saying, that
is your diary, under date of November 28th, 1984,
there is no reference to this telephone call
we have been talking about?

A. That is right, sir.

Q. But it does appear in Exhibit 16?

A. Yes, sir.

Q. It was discussed [illegible]
of the case against Dwight, Wolverton and Mowbray
Mason, esq., of 1984, at the time of the preparation

A. Between his arrest and the trial.

Q. Well, now - -

A. The first trial date.

Q. After Wright's arrest?

A. Yes, that is right.

Q. Well, possibly I - I ~~mistook~~ mis-stated that. You made that up sometime after Wright's arrest on May 28th, 1960?

A. Yes, that is right.

Q. And then the entry in Exhibit 15 of that date, which makes the reference to the telephone call, is repeated in Exhibit 16, and have you got a copy - have you a copy of Exhibit 16 in front of you?

A. No, I haven't. Yes, it appears in Exhibit 16.

Q. And the notation that appears opposite that entry on Exhibit 16, the part re Mr. Davis in the diary, was put on by you a few days ago?

A. Yes, sir.

Q. I just want - - that is all, thank you.

THE COMMISSIONER: That is all, Mr. Shrubb.

This witness is not free to go yet.

MR. WILSON: No, no.

THE COMMISSIONER: You will be recalling him?

MR. WILSON: Just one further point, that I should ask this witness at this stage.

Why was the reference to your telephone call with Feeley on May 22nd, 1958, not entered in your diary? Possibly you better look at your diary.

A. Yes. I would not - -

Q. Your 1958 diary, and see.

THE COMMISSIONER: I thought it was May 20th?

A. It was May 20th, was the reference, yes.

MR. WILSON: It was May 20th. What put me off, somebody on that side whispered May 22nd. I think May 20th.

MR. MacKINNON: It is in there.

A. I see the notation is there, sir.

MR. WILSON: There is a notation inyour diary of 1958, that is your regular diary, I take it?

A. Yes, sir.

Q. In part it reads, "call from Feeley, one hour, re Ramsay Club, N.F.O., recorded and is under file. Will call May 21st, 1958 further"?

A. Yes, sir.

Q. Now, N.F.O. stands for Niagara Falls?

A. Niagara Falls, Ontario.

Q Yes, and in that what is the next reference?

A. Information N.F.O. information recorded on my own file.

Q. Where was it recorded?

A. This preparation was rough notes that I made, and then transcribed into a form that would be more readable.

MR. WILSON: Well, I won't take time at this point, Mr. Commissioner; to go into this. I would like to file this as Exhibit No. 17.

THE COMMISSIONER: That was read into the record, wasn't it?

MR. WILSON: No. This is a - these are notes he said he made of this hour long conversation he had with Mr. Feeley on that particular occasion;

THE COMMISSIONER: All right.

MR. WILSON: And it is dated May 20th, 1958, and I take it is in the handwriting of yourself?

A. It is, sir. There are other dates included in that file, through the file which you have there.

Q. And I see it does include conversations that you had with Feeley on May 21st, 1958?

D/3

A. And the 22nd.

Q. And also May 27th, 1958?

Q. Yes, and in many ways is the most traditional?

A. Conservation N.T.O. information received on my own file.

Q. This preparation was simply before that meeting, does that demonstrated into a form that would be more readable.

MR. KILBRIDE: Well, I would take it at this point, Mr. Commissioner, to go into this. I would like to file this as exhibit No. 17.

THE REGISTRAR: That was read into the record, didn't it?

MR. MURPHY: No. This is a - there are notes on mine to read to me, Murphy on that conversation to had with Mr. [illegible]

[illegible]

MR. GIBSON: And it is to defend Mog Corin, Mog, and I take it is in the construction of [illegible]

Q. Is it, sir. Where are your notes [illegible] in that file, through the file which you have there.

A. And I see it does indicate [illegible] conversation that you had with Murphy on that file, Justin?

Q. And also Mog Corin, Justin

A. Notice of those calls, and one on May 27th, yes, sir.

THE COMMISSIONER: 17.

---EXHIBIT NO.17: Rough notes made by Constable Shrubb of telephone conversations withVincent Feeley.

MR. WILSON: As I have referred to this diary, Mr. Commissioner, I - - -

MR. MacKINNON: Isn't that Exhibit 18, Mr. Commissioner?

THE COMMISSIONER: 17.

MR. MacKINNON: I thought the loose leaf?

MR. WILSON: No, that was not entered as an exhibit.

MR. MacKINNON: It wasn't. Oh, I see.

THE COMMISSIONER: Exhibit 18 is Mr. Shrubb's 1958 diary.

MR. WILSON: Yes.

THE WITNESS: Yes, my lord.

THE COMMISSIONER: Willyou mark the diary, Mr. Registrar, Exhibit 18.

THE REGISTRAR: Yes.

---EXHIBIT NO.18: Corporal Shrubb's 1958 diary.

MR. WILSON: Well, that is all for this witness, just at the moment, Mr. Commissioner.

---The witness withdrew.

MR.WILSON: I will call Magistrate Blain.

MAGISTRATE ROSWELL ISAAC BLAIN, sworn:

EXAMINED BY MR. WILSON:

Q. You are a Magistrate in the Province of Ontario?

A. Yes, sir.

Q. And what is your particular jurisdiction?

A. Well, I have the Province of Ontario jurisdiction, but I practise in Peel County, and in Dufferin County.

Q. And you are, I take it, a full time magistrate?

A. That is right.

Q. And when were you appointed to that position?

A. In '54.

Q. In '54?

A. Early part of '54.

Q. Now, in November - on November 24th, '54, did you preside over the examination of certain persons who had been brought in as a

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Direct examination by Mr. Wilson:

Q. Are you a Magistrate in and
for the County of Los Angeles, State of
California?

A. Yes, sir.

Q. And what is your particular
precinct?

A. Well, I have the Township of
Ontario Junction, but I function in Pomona
County, and in Buffalo County.

Q. And you are, I take it, a
full time magistrate?

A. That is right.

Q. And when were you appointed to
that position?

A. [illegible]

Q. In [illegible]

Q. [illegible] time of [illegible]

Q. How, in general - or [illegible]
[illegible] did you function over the [illegible]

result of a raid on the Centre Roads Veterans Club?

A. Yes, I did.

THE COMMISSIONER: Excuse me. Could you stand a little back from it. You get an echo if you are too close to it, Mr. Blain.

MR. WILSON: And these examinations took place under the provisions of Section 642 of the Criminal Code, as it was at that time?

A. That is right.

Q. And hadyou ever had an examination under that section before that time?

A. No, that is the only examination I have ever had.

Q. Of that - under that section?

A. Under that section.

Q. Now, are the events that occurred that day clear in your mind?

A I think so, yes.

Q. Now, will you just tell us what did in fact occur?

A. Well - -

Q. With relation to these examinations?

A. Well, I was called in the morning of that date by Mr. Davis, the Crown Attorney, at seven o'clock, and he told me that they had a number of men in the courtroom, and that he was going to have the examinations, and he asked

CLERK

A. Yes, I did.

You stand a little back from it. You get an echo if you are too close to it, Mr. Blain.

MR. KIRSON: And those examinations took place under the provisions of Section 656 of the Criminal Code, as it was at that time?

A. That is right.

Q. And perhaps even had an examination under that section before that time?

A. No, that is the only examination I have ever had.

Q. Of that - under that examination

Q. Under that section,

[illegible] any [illegible]

[illegible] that day about in your mind?

A. I [illegible]

Q. Now, will you just tell us what did in fact occur [illegible]

A. Well - [illegible]

Q. With relation to those

A. Well, I was called in the morning of [illegible] by Mr. Davis, the Crown Attorney, a number of men in the courtroom. And then Mr. Davis, the Crown Attorney, and he told me that I was going to have the examinations, and he spoke to me. I don't know if I was to stand up or what, but he spoke to me and told me that I was going to have the examinations, and he spoke

me if I would make arrangements tocome down, which I did, and I was there at eight-thirty, and I believe the examinations started somewhere around 8:45. Now, there was not - the evidence was presented, and if my memory serves me right, it was about seven examinations that we had, and at the end of the seven, if my memory serves me, I said to Mr. Davis, "Well, if the same evidence is going to be used for the other gentlemen that are in the courtroom, I can't see that we can get very far," because I had made up my mind that at that particular time that there was not enough evidence to charge them.

(Page 375 follows)

L/RJH/1

Q. Well, now, did you make any entry in your records in regard to that examination?

A. No, I did not.

Q. And we have heard something about a witness, who made some claim to certain moneys that were found on the premises of the Club. Did that come before you?

A. Yes, that was -- the money that was found on the premises -- and I believe the amount is in the neighbourhood of something over $800, but not into the $900 figure.

Q. Well, now, were all of these witnesses examined at one time, or was there a recess, and then a further examination?

A. No, there was no recess.

Q. No recess?

A. No recess.

Q. And at the conclusion of the examination -- before I deal with that, were there any solicitors present representing any of these persons which were examined?

A. Yes, there were two, and one of them, if I remember correctly, did practically all the questioning, and I just can't think of the name of the man. He was a short man.

THE COMMISSIONER: Mr. Gebirtig?

A. Yes. And the other one I think his name was Herman, but he did not do any of the questioning.

Q. At the conclusion of the questioning,

were you called upon to do anything in your position as Magistrate?

A. Not that I recall.

Q. And you made the statement, I take it from Mr. Davis, the Crown Attorney, that you referred to a few minutes ago?

A. That is right.

Q. And what happened to these individuals who had been examined?

A. Well, I think at that particular time they had decided that there was not enough evidence, and that is all there was to it. And then I made the statement to Mr. Davis, I said, that if the same evidence that had been used for the first seven or eight, was to comply to the others, I could not see much sense in continuing with the cases. They were only a waste of time.

Q. And was the testimony of these seven or eight persons taken down by a shorthand reporter?

A. No, it was not.

Q. It was not?

A. No.

Q. So there is no record of that?

A. No.

Q. I think that is all, thank you. I have one question, how long would you say that these examinations lasted?

A. I would say not over thirty minutes.

MR. WILSON: Thank you.

THE COMMISSIONER: You started about 8.45?

A. Yes, between 8.30 and 9.00 o'clock.

EXAMINED BY MR. MacKINNON:

Q. So you would think you would then be through before 930 at the latest?

A. I would say yes.

Q. And if there had been a phone call for Mr. Davis, that we have heard about here, it would have come in, if the information is correct that there was a phone call for him, before the hearing was concluded. On your recollection, if there was such a phone call, it would have had to have been received before 9.30, because you believe the hearing had concluded by then?

A. Well, all I can say is this, that the hearing took place, and if I remember, no person at any time during that thirty minutes left the courtroom, and when it was over I left the Bench, and I was not talking to anybody after that at all.

Q. That is not my question. The latest that this hearing would have gone on would be 9.30?

THE CONFIDENCE-MAN: How planned above Q.Ph?

A. "Oh," between 8.30 and 9.00 o'clock.

A. Yes.

Q. Why wasn't there a reporter there?

A. Well, now, I cannot answer that. It was just at the time that I had been appointed, and I was requested to come down, and I did go down and went on to the Bench, and I think it was due to the fact possibly that the J.P. was away that day. I am not sure, but anyway I was there, and there was no reporter that day.

Q. If you had secured evidence, it would not have been much use to you at this stage, would it?

A. Not too much.

THE COMMISSIONER: What was that?

MR. MacKINNON: If there had been evidence secured, it would not have been much use at that stage, because presumably it is being secured for the purpose of laying a charge, and if there is no transcript, you cannot use it.

THE COMMISSIONER: Why can't you?

MR. MacKINNON: It is a little difficult, you would not have any transcript to refer to, any cross-examination or examination.

THE COMMISSIONER: Of course you wouldn't, but if they bring some of these found-ins and put them on oath, the evidence cannot be used against those who testified, but the Crown nevertheless could lay the charge, and call those seven and put them in the box and swear them and they gave the same evidence they had

given on their examination before Mr. Blain, it could be used against the others.

MR. MacKINNON: There could be no charge of perjury laid, for example, under those circumstances if they changed their story.

THE COMMISSIONER: That is all.

MR. MacKINNON: Which is one element in this --

THE COMMISSIONER: I am disagreeing with you that the examination would be of no use.

MR. MacKINNON: I say of less use than if you had a transcript.

THE COMMISSIONER: Oh, yes.

MR. MacKINNON: Q. Now, Magistrate Blain, you stated you had just recently been appointed before this, was it about a month before?

A. Well, it was in that year. It was in June, I believe, that I received my appointment, some place in and around there, as a Deputy Magistrate, of course, at that time.

Q. And you are a layman, at least you were a layman?

A. Yes.

Q. And you did not have any special training in the law?

A. No.

Q. I take it at this time you would be relying, understandably, on the Crown Attorney for his assistance and guidance?

A. Well, I would not like to say that, I relied on my own good judgment, I thought.

Q. You were not familiar with this Section 642, were you?

A. Well, I would say that I was familiar up to a point.

Q. You had never used it before?

A. No, I had never used it before.

Q. And was it your understanding that there were other witnesses out in the hall that might be called?

A. No, it was my understanding -- now, as a matter of fact, they told me approximately the number of people that were at the Court House and I had only listened to the evidence against seven or eight, and I knew that there was others -- I knew there were a certain number there.

Q. And were they all in the courtroom at the same time when one was being examined, do you recollect that?

THE COMMISSIONER: You mean -- ?

MR. MacKINNON: Q. The seven or eight of those being examined, were they in the courtroom together?

A. I could not answer that for sure.

Q. Do you have any records of any kind in connection with this matter?

A. No.

Q. And your office would not have any records?

A. No.

Q. Did you have any discussion with the

Crown Attorney about this particular matter at that time subsequent thereto?

A. I knew nothing about the case at all until I was phoned at 7.00 o'clock in the morning.

Q. I mean after the hearing was concluded?

A. None whatever.

Q. Did he speak to you during that day or following that?

A. I saw none of them after.

Q. Did the Crown Attorney speak -- I take it he was seeing you every day?

A. He did not say anything to me about it at all at any time.

Q. So you have had no discussion up to this date?

A. None whatsoever.

MR. MacKINNON: Thank you.

EXAMINED BY MR. BREWIN:

Q. Mr. Blain, I take it you had a pretty busy time, since you were appointed as Magistrate, your Court is a very, very busy one?

A. Well, I have five courts a week, and I think our courts are about the heaviest that there are in the province, so far as courts

are concerned.

Q. Therefore it would be a little hard for you to remember, without any record at all, exactly what happened some eight years ago?

A. I am not claiming that I do remember everything, but as far as I am concerned it happened to be the only time that I was called to sit on an inquiry, and naturally when it started at 9.00 o'clock I did remember some of the facts. I am not saying that I remember them all.

Q. Now, one of the facts, it would seem to me, I would like to ask you about, is about the statement you made that there was no recess. Do you mean by that that the proceedings started, and some witnesses were called, and some seven or eight witnesses, you said, and then you made the statement which you say you made about not much point going on if they were all going to say the same thing, and then they left and that was the end of it?

A. It was all over in a very short time.

Q. Although there were seven or eight witnesses being examined?

A. That is right.

Q And they were examined, I think you said, both by the Crown Attorney and by Mr. Gebirtig?

A. Yes, that is the other man that did

examine them. The questioning did not seem to take very long on other side.

Q. Now, then, how exactly did the proceeding terminate? No one left the room at all -- I don't say no one left at all -- the Crown did not leave, you did not leave and somehow or other the thing terminated. How did it terminate?

A. So far as I am concerned I did not leave, and as far as my memory serves me Mr. Davis did not leave, and I am perfectly sure that the two lawyers there did not leave. But, when it was all over, the inquiry was closed, it seemed that everybody stepped out into the hall together. I left then.

Q. Now, you have said that there was no recess. Was there no adjournment of any sort?

A. No, because we had only been sitting the half hour.

Q. And at the end of hearing certain witnesses, was there no suggestion of a conference adjournment -- an adjournment for conference or something of that kind?

A. Well, it was pretty well decided that the whole number of cases lacked evidence, and that was decided pretty well, I think, by the officers who were there, and the lawyers, Mr. Davis and all concerned, with the examination.

Q. When this talk about Reid -- I don't

know whether you remember the name Reid or not?

A. No.

Q. But there was some man claiming the $810 belonging to him?

A. I remember that.

Q. And was that after any recess at all?

A. No.

Q. He just got up when you heard the seven witnesses and spoke about his money, did he?

A. I think it was eight hundred and some odd dollars.

Q. And what disposition, if any, was made about that?

A. I felt that the explanation -- the circumstances under which that money was there -- he said that it was money that he brought to the Club to pay as a deposit on an automobile, which he had purchased, and that was his explanation. There was no rebuttal evidence, so that is how I accepted it.

Q. Did you give some sort of a ruling that he should get his money back?

A. That I am not sure.

Q. And, Magistrate, I don't want to question your veracity at all, but could you be mistaken about there not being a recess? We have had some evidence from responsible police officers that there was a recess.

A. My own opinion is that there was

no recess.

Q. It is your opinion, is it?

A. Well, I am satisfied that there was not a recess in that thirty minutes.

Q. Or before the proceedings finally were in?

A. I don't think so.

Q. Why are you so sure? Do you remember, or are you just reasoning from the fact that if you started at a certain time you would probably go right through?

A. No, I am certain for that reason.

Q. That is your recollection, is it?

A. Yes.

Q. You don't think you could be mistaken about it?

A. Any person is liable to be mistaken, but in this particular case I don't think I am, Mr. Brewin.

MR. BREWIN: O.K. Thank you.

THE COMMISSIONER: Thank you.

MR. WILSON: That is all, thank you.

--- The witness withdrew.

MR. WILSON: I now call Mr. Davis.

ALBERT GRENVILLE DAVIS, sworn,

EXAMINED BY MR. WILSON:

Q. You were the Crown Attorney in the County of Peel for thirty years, was it?

A. Yes, sir.

Q. And when were you appointed to that position?

A. 1928.

Q. And you retired from that position?

A. I said in my resignation, I think, to take effect at the end of 1958, and stayed on until the 1st of March, 1959.

Q. Now, I direct your attention to an examination of certain persons under what was then Section 642 of the Criminal Code, which is said to have taken place on November the 24th, 1954, at the Court House at Brampton.

A. Yes, sir.

Q. Do you recall that incident?

A. Yes, I do.

Q. Now, had you any prior notice of the possibility of such an examination taking place before it actually did take place?

A. Yes, I did.

Q. And from whom?

A. I think it was Corporal Anderson -- I think he was Corporal at that time.

Q. And was that the same day, or at a prior date?

A. It was at a prior date, and as I recall it, Corporal Anderson asked me to be available at 8.30 on the morning of the 24th.

Q. And were you available at that time?

A. Well, I was not there -- I was a little bit late, and Corporal Anderson phoned me at my house, and it is quite close to the Court House, and I went immediately over.

Q. And what is your recollection as to the time that the examinations started?

A. I would say it would be approximately 9.00 o'clock.

Q. And lasted for about what period of time?

A. Well, it is difficult to say, but I would think not over half an hour.

Q. And those examinations, we are told, took place before Magistrate Blain?

A. That is correct.

Q. And who were present?

A. Well, the Magistrate was present, Miss Abbott, the court reporter, was present, Corporal Anderson, and there were one or two other officers there, whose names I do not recall, Mr. Gebirtig was there, I remember him, and there were a number of found-ins, and I think there was a Mr. Herman there, but I could not identify Mr. Herman.

Q. Did he take any important part in the

proceedings?

A. Not that I recall.

Q. Miss Abbott, you say, was the court reporter. Did she take down the evidence of the witnesses?

A. Yes.

Q. And did you make any inquiry as to whether those notes are available?

A. Yes, I did. I telephoned Miss Abbott -- I am not sure of the exact time, but In any event after I knew I was likely to be called as a witness, and I was informed that she had destroyed her books and her transcription of evidence.

Q. Now, just tell us what took place, how many persons were examined?

A. Well, I am not sure of the exact number, I would think six or seven or eight, approximately that.

Q. And what was the result of the examination?

A. Well, the result of the examination was there was no evidence to indicate there had been any illegal gambling having taken place at the premises that had been raided.

Q. And was there any evidence at all to justify any charges being laid?

A. No, there was not in my opinion.

Q. And was there any recess during the process of examining these persons?

A. I am quite sure there was not.

Q. And was there any conference between yourself and Sergeant Anderson, or any other persons, at the conclusion of the examinations?

A. Well, I cannot recall that, I think there must have been some, but I don't recall it actually. My impression is that it was agreed that there was not any evidence to warrant laying a charge.

Q. Yes. Now, there has been a suggestion made that following either the completion of the examination, or during a recess, during the course of the examinations, you went to your office and received from your secretary a note to say that there was a call for you from the Attorney General's Department. Have you any recollection of that?

A. Well, I am quite sure there was no recess, and I do not recall my secretary having told me that, but I have made no notes of what took place, and I have to rely on my memory, but I have no recollection of having been told that but I would not say that that did not take place.

Q. Since you knew that you would likely be called as a witness, which is a matter of a few weeks ago, have you made any inquiries, or investigations to see if there had been any communication between yourself and the Attorney General's office on November the 24th, 1954?

A. Yes, and there had been. There had been a charge -- a charge of theft had been laid against a man named White. It was to have been heard at the June Sessions and for some reason was put over to the December Sessions, and Mr. John Brooke, who was acting for White, spoke to me, or wrote to me about a witness in Buffalo, of which he wanted to take the evidence of this witness in Buffalo. I wrote to the Attorney General's Department and I think I marked it for the attention of Mr. Common, explaining the nature of the case, and what Mr. Brooke had intended to do. On the 24th of November I received a letter from Mr. Common with respect to that in which he mentioned a telephone conversation. I have the letters with me.

Q. Well, first of all, I have obtained the original of your letter to Mr. Common, which bears dated November the 23rd, 1954. Is that your letter?

A. Yes, it is signed by my secretary.

Q. I see it has got a stamp on it, received November 24th, 1954, Attorney General's Office, and it is re Regina v. Richard White. Mr. Commissioner, I don't think the actual contents of the letter are too important. If you would like to look at it. It relates to the subject matter that the witness has spoken of. Unless my friends want them? Have you got a

copy of that, Mr. Davis?

A. Yes, I have.

MR. MacKINNON: Is this the letter received or sent?

MR. WILSON: This was the letter -- give a copy to Mr. MacKinnon, please. Have you got the original? It is just a question of whether they want it read or not.

MR. MacKINNON: No.

THE COMMISSIONER: Simply get it on the record that it was a letter from Mr. Davis to Mr. Common with respect to a pending charge against one Richard White, and had nothing to do with the Centre Road Club, and it anticipated perhaps the examination of some witness on behalf of the accused White to be taken on commission.

THE WITNESS: That is right.

MR. WILSON: And you received a reply from Mr. Common?

A. Yes, I did.

Q. And that reply is dated November the 24th, 1954?

A. That is right.

Q. And it is addressed to A. Grenville Davis, Q.C., Crown Attorney, Brampton, Ontario:

"Dear Mr. Davis: Re Regina v. White

"I have your letter of November 23rd "and confirming my telephone conversation "with you I understand that you are

"prepared to attendat the City of Buffalo,
"New York, to represent the prosecution
"upon the hearing before the Commissioner.
"Yours faithfully,
"W.B. Common,
"Director of Public Prosecutions

MR. WILSON: Would those two letters be an exhibit, Mr. Commissioner, or do you want them separate?

THE COMMISSIONER: Well, I thought that the first letter was not going to go in at all.

MR. WILSON: I think in view of the fact that it has a date stamp on it --

THE COMMISSIONER: All right, attach them together and make them one exhibit. It will be Exhibit No. 19.

---EXHIBIT NO. 19: Two letters dated November 23, 1954, and November 24, 1954, respectively.

THE COMMISSIONER: All right.

MR. WILSON: Q. Now, two officers, Sergeant Anderson and Chief Constable Shrubb who was as of November 24th, 1954, a constable of the anti-gambling squad, have given evidence here and they both said that following some telephone conversation, which they were not -- which they did not overhear your end of it at all, that you informed them that you had been instructed to discontinue the proceedings forthwith, and that you appeared to be visibly

annoyed about the matter. What do you say as to that?

A. Well, I have no recollection of that, and I am positive that I was not instructed to discontinue proceedings, because the evidence that had been given did not indicate any basis whatsoever for laying a charge, and my recollection from Sergeant Anderson was that he was in full accordance with that idea.

Q. Have you any recollection of the telephone conversation that Mr. Common refers to in his letter of November the 25th about the White matter?

THE COMMISSIONER: The 24th.

MR. WILSON: Well --

THE WITNESS: No, it was the 24th.

THE COMMISSIONER: His letter is the 24th.

MR. WILSON: Yes, his letter is the 24th, Mr. Commissioner, yes.

Q. Have you any recollection of that telephone conversation?

A. Well, I remember speaking to Mr. Common about it. I could not identify the date other than from the letter, but I do know I spoke to Mr. Common about going to Buffalo.

THE COMMISSIONER: On the telephone?

THE WITNESS: On the telephone, yes.

MR. WILSON: Q. Well, did you speak to Mr. Common or anybody else in the Attorney General's Department on the day of these

examinations, which is November the 24th, 1954, and have any discussion in regard to the arrest of these men at the Centre Road Veterans Club?

A. I don't recall speaking to anybody in the Department about it at all.

Q. And was there any basis, in your opinion, for any possible charges having been laid against any of these persons being brought into Brampton following the raiding?

A. No, there was not.

Q. Have you at any time been instructed by any senior legal personnel in the Attorney General's Department to terminate any investigation that you were carrying on in the course of your duties as Crown Attorney?

A. No, I have not.

Q. Well, have you at any time had any interference, or been interfered with by any of the senior legal personnel of the Department of the Attorney General in the course of carrying out your duties as a Crown Attorney?

A. No, I have not.

Q. And have you at any time any knowledge, in the carrying out of your duties, of any act on the part of any senior legal personnel of the Attorney General's Department with relation to any suppression of evidence?

A. No, I have not.

Q. Or in respect to -- do you have any knowledge of any improper payment of money

to any senior legal personnel in the Attorney General's Department?

A. No, I have not -- never.

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Q. In your thirty years' experience as a Crown Attorney in the County of Peel what has been your experience in your dealings with the senior legal personnel in the Attorney General's Department?

A. Well, I used to call Mr. Magone if there was some problem, or Mr. Common, but I never had any difficulty with them. They never interfered with me, and I tried to bother them as little as possible. I had a job to do, and I did it to the best of my ability, but there was no interference whatsoever so far as I was concerned.

Q. And did they at any time try to dictate to you as to how you would carry out your duties in any way?

A. No.

Q. Either with regard to the question of laying or not laying of charges or the question of the penalty which might be imposed or that you might recommend be imposed?

A. No. I never had any instructions or interference of that kind at any time.

THE COMMISSIONER: Have you anything further to ask him? What is the officer's name who did --

MR. WILSON: Tomlinson. Oh, yes, I should deal with that.

Q. Do you recall, following this November 24th, 1954, hearing, having any discussion with regard to what took place that day with Inspector Tomlinson?

A. I cannot say that I do. Now, I may have, because I did talk to Tomlinson occasionally about it, but I cannot say that I do recall any specific conversation after the incident.

THE COMMISSIONER: Just a moment. You recall conversations with Tomlinson about "it" -- what do you mean?

A. About the Centre Road Club.

Q. Some one has said the Centre Road Club was the thorn in the flesh of all officers out there.

A. Well, it was a bit of a headache.

MR. MacKINNON: Pardon me?

THE COMMISSIONER: He says it was a headache.

MR. WILSON: It has been stated by Mr. Shrubb in his evidence that he was informed by Mr. Tomlinson -- I am not quite sure of whether it was by Inspector Tomlinson or through --

MR. MacKINNON: By Inspector Tomlinson.

MR. WILSON: All right, by Inspector Tomlinson, that he had gone to see you shortly after November 24th, 1954, about the events of that day, and that you had told him that you had washed your hands of the whole affair.

Have you any recollection of any such discussion, or any such statement?

A. I never said anything of the kind to Tomlinson about that.

MR. WILSON: I don't think there is anything further. That is all, thank you.

THE COMMISSIONER: Will you be very long, Mr. MacKinnon?

MR. MacKINNON: I will be a little while.

THE COMMISSIONER: All right. We will adjourn then until 2.15 p.m.

---Whereupon the Commission adjourned at 1.03 p.m. until 2.15 p.m.

(Page 400 follows)

--- On resuming at 2.17 o'clock p.m.

THE COMMISSIONER: Mr. Davis.

ALBERT GRANVILLE DAVIS, Resumed the stand on former oath

EXAMINED BY MR. MACKINNON:

Q. Mr. Davis, I gathered from your evidence this morning that you were quite familiar with this Veterans Club?

A. Oh, I don't think I would put it that way, Mr. MacKinnon.

Q. You had heard of it?

A. Oh, I had heard of it, yes.

Q. You knew it was considered to be a gambling house -- or, a gaming house, I should put it that way, by the police?

A. I had prosecuted someone in 1952 for operating that as a gaming house. There was a conviction against one person before the Magistrate and that conviction was quashed on appeal to the Court of Appeal.

Q. That is the only prosecution you took?

A. Yes.

Q. Or, handled, I should say?

A. That is right.

THE COMMISSIONER: Q. You identified that one, that was Laffradie?

A. Yes, Mr. Commissioner.

MR. MacKINNON: Q. Did you carry out any investigations of this Club or any other Club during your tenure as Crown Attorney?

A. No.

Q. You were asked by Mr. Wilson whether your investigations, or any investigations you were carrying out had ever been terminated by the Attorney General's Department. May I take it, it was not your function to carry out investigations?

A. That is right.

Q. So there would be nothing to terminate in that connection?

A. That is right.

Q. Now, coming to November 24th, 1954. Would you have any file on this particular matter?

A. No, I have not.

Q. You mentioned you were late that morning. Was it a case of you having forgotten the appointment?

A. I think that is right.

Q. Now, can you tell me who your secretary was at this time? Do you remember?

A. Yes. Mary MacDonald.

Q. Is she still living?

A. Yes. She is married.

Q. What is her married name?

A. Mrs. Kenneth Halliday.

Q. Does she live in Brampton?

Q. Mr. Davis: Q. Did you carry out
any investigations of this Crab or any other
like Crab?

A. No.

Q. You were served by Mr. Wilson
and were carrying out had ever been instructed
by the Attorney General's Department. May I
take it, it was not your function to carry
out investigations?

A. That is right.

Q. So there would be nothing to
recommend in that connection?

A. That is right.

Q. Now, could you have any fish on this
light. Would you have any fish on this
platform?

A. No, I have not.

Q. You understand you were here
that morning. Was it a case of you having
telephone conversations

A. I think that is right.

Q. Now, can you tell me who your
secretary was at this time? Do you remember

A. Yes. Mary Macdonald.

Q. Is she still living

A. Yes. She is married.

Q. What is her married name?

A. Mrs. Donald Gillies.

Q. Does she live in Bonavista?

A. Yes.

Q. Miss Abbott, the Court Reporter, she is still living too?

A. Yes, and still court reporter -- or, at least, secretary to His Honour Judge Grant.

Q. Did you speak directly to her?

A. By telephone.

Q. You spoke to her?

A. Yes.

Q. Did she then make a search for her books?

A. She called me back that day or the next day.

Q. And advised she could not locate these particular stenographer's books?

A. That is right.

Q. With regard to the hearing itself, can you recollect whether all the seven men who were being examined were in the court room at the same time?

A. Now, I a s not sure about that.

Q. Mr. Gebirtig and Mr.Herman were both in the court room throughout, I take it?

A. I think that is right, yes.

Q. Did you have any conversation that you can recollect with either Mr. Gebirtig or Mr. Herman?

A. I did, with Mr. Gebirtig.

Q. Yes.

A. Miss Roberts, the Court

Reporter, who is still living now?

Q. Yes, and still court reporter --

or, at least, secretary to his Honour Judge

Grant.

A. And you speak directly to her?

Q. In Indonesian?

A. Via Epsel in Leyf

Yes.

Q. And are then made a report for

her record?

A. She called me back that day or

the next day.

Q. And advised she could not locate

Ismet Ayyubi's [illegible]?

A. That is right.

Q. With regard to the hearing itself,

can you specifically recall his person as

this many lasting examined were in the room

room at the same time?

A. Mon, I am not sure about that.

Q. Mr. Blythe and Mr.Brooke

were both in the court room simultaneously, I

take it?

A. I think that is right, yes.

Q. Did you have any discussion

Mr Mr. Brooke

at any time concerning with either Mr. Darlrell

or Mr. Ismet, secretary to his Honour Judge

Grant.

A. And you speak directly to her?

Q. In Indonesian?

A. Via Epsel in Leyf

Yes.

Q. And are then made a report for

her record?

A. She called me back that day or

the next day.

Q. And advised she could not locate Ismete

Ismet Ayyubi's [illegible]?

A. That is right.

Q. With regard to the hearing itself,

can you specifically recall his person as

this many lasting examined were in the room

room at the same time?

A. Mon, I am not sure about that.

Q. Mr. Blythe and Mr.Brooke

were both in the court room simultaneously, I

take it?

A. I think that is right, yes.

Q. Did you have any discussion

Mr Mr. Brooke

at any time concerning with either Mr. Darlrell

or Mr. Ismet, secretary to his Honour Judge

Grant.

Q. And what was that conversation?

A. Well, you see, I have no file and I have to rely on my memory.

Q. I realise memories can be imperfect.

A. My recollection is -- of the conversation with Mr. Gebirtig was he was complaining about the men having been taken there that early and in the morning were not able to obtain bail and kept waiting for what he thought was a long time. And he and I had some rather hot words about it at the time.

Q. This was before the hearing commenced?

A. Before the hearing commenced, yes.

Q. Did he threaten you with anything?

A. No, I don't think he threatened me.

Q. Not that you can recollect?

A. No.

Q. Did he indicate in any fashion he was going to report this to the Attorney General's Department?

A. Oh, I don't think so, no.

Q. Now, I believe you say, or suggest that there might have been a phone call to which your secretary drew your attention that morning but that you cannot recollect that there was such a phone call?

A. No, that is right.

Q. I see. I take it you still do not recollect any phone call that day from the Attorney-General's Department?

A. Well, going by the letter which has been filed as an exhibit, and it was written to me by Mr. Common, I am satisfied that I did speak to him, either as a result of him calling or my calling him with respect to the Wite case.

Q. But you cannot recollect that telephone conversation at all?

A. Well, that telephone conversation simply related as to whether or not I would go Buffalo.

Q. And you are surmising that from the correspondence which has been produced to you within the last month?

A. Well, I know I did speak to Mr. Common by telephone about going to Buffalo and I subsequently went.

Q. Prior to this letter being produced and drawn to your attention, did you have any recollection of any telephone call from the Attorney General's Department that day?

A. Not that particular day.

Q. Now, --

THE COMMISSIONER: Q. Well, did you have a recollection of having spoken to him

about going to Buffalo on this Commission?

A. Oh, yes.

Q. And this letter now fixes the date that the Commission was being arranged?

A. That is right, Mr. Commissioner.

MR. MacKINNON: Q. You have been advised there are two witnesses who have sworn affirmatively that you advised them you had a phone call from the Attorney General's Department advising you to terminate the proceedings, I believe were the words used. Corporal Shrubb stated this and Sergeant Anderson, also. Did you know Corporal Shrubb?

A. No, I don't -- I didn't know Corporal Shrubb.

Q. As he then was?

A. As he then was, no.

Q. Now, do you recollect any such conversation even in a general way?

A. No, I do not.

Q. Do you say it did not take place?

A. I am quite sure it did not because after the witnesses had all been examined I knew perfectly well there was no basis for laying the charge and there was no necessity for anybody to tell me to discontinue proceedings.

Q. Are you working backwards from that, Mr. Davis?

A. No, I am not working backwards.

Q. You say Sergeant Anderson seemed to be in agreement with you that there was no basis for a charge and I got the impression in chief that because of that you concluded there could not have been any telephone conversation suggesting or advising you, or instructing you to terminate the proceedings. Now, I say again, is it because of the proceedings themselves that you now conclude there could not have been such a telephone conversation?

A. No. What happened: Two or three days after Mr. Wintermeyer's speech in the Legislature, Mr. Common called me and asked me if I had read it. I said no, but I had heard something about it. He said to me, "Have you any recollection of any call from this office with respect to that raid that Mr. Wintermeyer referred to?" and I said no. I said I didn't receive any instructions from anyone, and that was before there was any talk of a Royal Commission or an inquiry of this kind at all.

Q. So far as you are concerned you never said to either Sergeant Anderson or Corporal Shrubb what they state you said?

A. No, I did not.

Q. And you did not discuss this alleged telephone conversation with Inspector

Tomlinson subsequently?

A. No.

Q. You had no discussion with Inspector Tomlinson about any telephone call being made to you by the Attorney General's Department?

A. No.

Q. And if they now state that he advised them that you stated you washed your hands of the whole affair, you have no recollection of any such interview or conversation with Inspector Tomlinson?

A. No, I didn't, because --

THE COMMISSIONER: He did not say he had no recollection.

THE WITNESS: There was no affair to wash anybody's hands of afterwards. It was done. There was no charge ever laid, there was no basis for laying a charge.

MR. MacKINNON: Q. This is not my question. That may be quite correct, there was no basis for the charge. The point I am making: Did Inspector Tomlinson come out to see you about this episode?

A. I can't recall that he did.

Q. But could he?

A. He could have, yes.

Q. What would he come out for?

A. I don't know. I know Inspector Tomlinson from my observation of him, and I did

discuss this Club with him on one or two occasions, or he spoke to me, that he was very anxious to have this Club closed because he was satisfied it was operating illegally.

Q. Did he discuss this November 24th raid with you subsequently?

A. I can't recall that he did.

Q. You do not keep a diary of any kind?

A. Not of an occurrence like that.

Q. Did you keep a diary of appointments at this time?

A. Yes.

Q. If you had an appointment with Inspector Tomlinson, say, within the next two weeks, would it appear in your diary?

A. Oh, I don't know that I ever made appointments with Inspector Tomlinson.

Q. He would just drop in?

A. Drop in to see me.

Q. You did not keep docket entries, or anything of that nature?

A. Not with respect to that.

Q. Did you keep it with respect to anything?

A. Well, a criminal matter like this I didn't, no.

Q. Did you receive from time to time complaints from citizens about this Club?

A. No, I didn't.

Q. Never?

A. No.

Q. Do you remember Mr. Reid, is the name given to him, claiming the money found on the premises?

A. Yes, I have a faint recollection of that, not very distinct, but I do remember.

Q. Do you remember how that happened?

A. No, I can't recall exactly.

Q. Was he in the court room? Did he get up and say, "The money is mine"?

A. I can't tell you about that.

Q. You do not know whether it happened afterwards? Was there an adjournment and you came back and he claimed the money?

A. I don't think there was an adjournment. I am sure there was no adjournment.

Q. According to the evidence and the reports he was not one of the seven set aside for special questioning but he apparently got into the court room atsome time to claim his money. Is that not correct?

A. He got in the court room, yes.

Q. And you have no recollection as to how that happened?

A. No.

Q. Isn't it possible there was an adjournment and you reconvened and he came in when the matter was finally being disposed of?

A. I suppose that is logical but I have no recollection of what actually took place.

Q. You have no recollection of what actually took place?

A. As far as Reid specifically is concerned.

Q. You also stated in chief, I believe your words were that there must have been some conference between yourself and the senior police officers, it would be normal?

A. That would be normal.

Q. Would not you recollect some form of adjournment for the conference to take place, or recess?

A. Well, whatever conference I had with Anderson was after the Magistrate had left the bench.

Q. You mean, you would have no conference with them before determining what you were going to do with the charge, the potential charge?

A. No, not at that stage because that was all the witnesses that Anderson had suggested should be called and they were called and there was no evidence on which to bases charge.

Q. And you do not believe you had any discussion about that particular matter

with Sergeant Anderson or Corporal Shrubb, or both, at that time?

A. About which particular matter?

Q. About the position being that there really was no evidence on which you could proceed?

A. I don't recall any special conversation. But, my recollection of it was that Anderson was quite satisfied that there was no evidence and there was nothing to be gained by doing anything further.

Q. How would you know he was quite satisfied that there was nothing to be gained by you going further?

A. By our conversation.

Q. You would have had a conversation with him?

A. Oh, yes, there would be some conversation.

Q. Where would that take place?

A. I can't recollect, either in my office, or out in the corrider. Probably in my office. I am not sure.

Q. Was that after it was all over or in between when you were deciding?

A. Oh, after it was all over.

Q. This conference, really, would not have any bearing on the disposition of the matter?

A. No.

Q. And the men had already been released at this stage, presumably, if you had a conference and the money paid back to Reid?

A. I don't know when the money was paid back but, as far as I recall, the men had all been released.

Q. That is all, thank you.

THE COMMISSIONER: Any questions, Mr. Brewin?

MR. BREWIN: Yes.

EXAMINED BY MR. BREWIN:

Q. Mr. Davis, I think twice -- once in answer to a question from Mr. Wilson and once in answer to Mr. MacKinnon -- you advanced as a reason why no one in the Attorney General's Department called you on this day about this subject, that you knew perfectly well there was no necessity to instruct you not to proceed because the evidence indicated there was nothing to proceed with. That was your reasoning, I think, twice?

A. That would be one reason, yes.

Q. I suggest to you -- Or, perhaps, can you tell me: Is there any way that the Attorney General's Department might have known that this inquiry had not produced results?

A. Well, I wouldn't know what the Attorney General's Department knew.

Q. No. And, if the Attorney General's Department were aware of proceedings but not aware of how they had gone, it would be p erfectly logical, if they did not wish to proceed, to instruct you; wouldn't it?

A. Well, I don't know that I could express an opinion as to what the Attorney General's Department should or should not do.

THE COMMISSIONER: Q. What would have been your reaction if they called up and told you not to proceed?

A. Well, I wouldn't have liked it if there had been a basis for laying a charge.

MR. BREWIN: Q. Even if there was not a basis and they did not know there was not a basis and you had been called up and told not to proceed, I suggest to you you would have resented it rather, wouldn't you?

A. Well, I wouldn't have liked it but I would explain to whoever called me that there wasn't a basis for laying a charge. I never had that happen to me with the Attorney General's Department at any time.

Q. At any rate, you would not have liked it?

A. Oh, I wouldn't have liked to be told not to lay a charge if there was a

basis for laying a charge.

Q. If your recollection is wrong and you did tell Shrubb and Anderson, if you did tell them that you had some instructions from the Attorney General's Department, it would have been true you had no reason to advise Shrubb or Anderson, I take it?

A. No.

THE COMMISSIONER: Put that again.

MR. BREWIN: Q. I say, if your recollection is wrong and you did tell Shrubb and Anderson that you received instructions from the Attorney General not to proceed, you would have had no reason to tell them that if it was not true?

A. No.

AA 3

Q. No.

THE COMMISSIONER: "Have you stopped beating your wife."

MR. BREWIN: There is nothing to do with beating one's wife.

THE COMMISSIONER: But it is the same type of question.

MR. BREWIN: What I am putting to him: If he had not received the information from the Attorney General --

THE COMMISSIONER: "If he had not received it"?

MR. BREWIN: Then, he would not have thought to deceive these officers by telling

them something that was not true.

THE COMMISSIONER: Is not that the same thing as beating your wife?

MR. BREWIN: I think it is a perfectly logical and reasonable point.

THE COMMISSIONER: Well, he said he was not told by the Attorney General's Department.

MR. BREWIN: He has not gone that far; he said he does not recall it.

THE WITNESS: No, I was never told by the Attorney General's Department to discontinue proceedings in this particular case.

THE COMMISSIONER: Q. What about any other case?

A. Or any other case.

MR. BREWIN: Q. Mr. Davis, I know you were at the time you were a Crown Attorney a very busy man. Is it possible your memory is not correct about that?

A. No, I am quite sure about that, Mr. Brewin.

Q. It is a little puzzling that two, apparently, respected and senior officers both swear you told them this. Have you my explanation at all as to how that might have come about?

A. No, I can't explain what the officers say but I am positive I have never received any instructions to discontinue

proceedings in this case.

Q. Or anything that you might have conveyed to them or which they might have assumed that?

A. I don't recall specifically what I said to them to be sure but I certainly would not mislead them. There was no reason for misleading them. I haven't the slightest prick of conscience about not suggesting a charge be laid in this case. I thought there was no evidence and I thought it would be quite improper and I was prepared to take whatever responsibility there was for not laying a charge in this case.

Q. I suppose your reasoning -- Well, I suppose that is a matter of comment. You made a blanket statement that you did not receive any instructions from the Attorney General's Department. Are you quite sure you did not have a telephone conversation with the Attorney General's Department relating to this very matter, whether they instructed you to discontinue or not?

A. I don't recall any telephone conversation about this, but I wouldn't swear positively there was not. But, I do not recall one.

Q. Very well.

MR. WILSON: That is all, thank you.

--- The witness withdraws.

MR. WILSON: Call Mr. Gebirtig.

THE COMMISSIONER: Mr. Davis will not be needed here any more?

MR.WILSON: No.

THE COMMISSIONER: Next witness?

MR. WILSON: I have asked for Mr. Gebirtig to return.

SOL GEBIRTIG, resumes the stand

THE COMMISSIONER: Q. Mr. Gebirtig, you are still under oath.

A. Yes, I understand that.

EXAMINED BY MR. MacKINNON:

Q. Mr. Gebirtig, we were discussing yesterday the Finnish Club. Reading through yesterday's transcript, the Commissioner asked you who consulted you about that particular Club and, then, you were asked, "what did Pleshuk consult you about?" Page 231 of the transcript. And you said:

"He said that they had a charter,
"that there was a charter up in
"Northern Ontario, and they wanted
"to know could they take a branch
"off it and I said, 'Yes'. There
"was nothing illegal about taking a

"branch off this club".

Now, is that a true report of what happened?

A. Yes, to thebest of my recollection. They said a friend of theirs -- or, friend of his, I believe it was, in South Porcupine had this charter and that he wanted to take a branch off it, and whether that was possible or not. I told him by a proper resolution of the Board of Directors and the membership in South Porcupine that the branch could be opened in the City of Toronto, or in New Toronto, wherever it might be.

Q. The transcript of the trial that Mr. Wilson was referring you to has been given to me by Mr. Wilson. I see at page 94, line 14, you were being questioned by Mr. Humphrey as a defense witness. He says this:

"Q. Would there be any way "that the name, the Finnish Club, "would be known to members of the "now present Finnish Club, or anybody "else in that area, this same date?

"A. No, only myself. I anticipated "I might have difficulty with the "Secretaries Office.

"Q. Had the word 'Finnish' or a "similar word, ever been attached to "these Clubs?

"A. Let me say this, that nobody "in New Toronto, or anywhere else, "knew of the Finnish Social Club "but myself."

Is that a correct report of what you stated on that occasion?

A. Was that at the trial of the Finnish Club or the Tisdale Club in New Toronto?

Q. It was called the Finnish Club and you said it could not possibly be the Finnish Club because the name had not been given to it until January --

A. At that time.

Q. -- of 1959.

A. That is,to the best of my recollection, that is not correct because a solicitor in Northern Ontario by the name of Flatus, to the best of my recollection and belief was the name, who drew the resolution authorizing the opening of the branch. That is to the best of my recollection and belief. You were going back some years.

Q. I am going back into your evidence under oath and I am wondering if this is a true statement, that you werethe only one in the area who knew the name "Finnish Club" at that time?

A. No, Fleshuk would know about it because that is where I found out about it originally.

Q. So, that is not the corre e t statement?

A. No.

Q. And Pleshuk was a member of this Finnish Club?

A. Yes, eventually, because it was Pleshuk who originally brought me the name the Finnish Club.

Q. Where does Platus carry on business?

A. It might be Timmins. I don't recall. I know it is in northern Ontario.

Q. You stated in your evidence, and Mr. Wilson has referred you to it, that you were solicitor for this Club?

AA4

A. Which Club?

Q. The Finnish Club, and Mr.Pleshuk?

A. Yes. Originally I was consulted over it. I wouldn't say I was solicitor for the Club; I was originally consulted about it.

THE CHAIRMAN: Q. By whom?

A. By Pleshuk.

MR. MACKINNON: Q. Did you have correspondence with Mr. Platus about this Club?

A. No, I don't recall.

Q. Have not you a file for the Finnish Club?

A. No, there was no file for the

Finnish Club as far as I am concerned. I was asked about the Club, whether a branch could be opened, and I gave my advice and they took it from there on.

Q. Page 103 of this transcript, the question at the top of the page:

"Q. What are you going to "call the Club next week?

"A. This Club has been in operation "since January 30th. I am only the "Solicitor for the Club."

That was not a true answer?

A. Well, you say I was the solicitor --

-- Q. I am saying what you said.

THE COMMISSIONER: Q. He is repeating what you said.

A. I was the solicitor insofar as I had been consulted, but that didn't mean they were bound to me. They could have chosen anybody else or gone to anybody else, which they probably did subsequently because when the Finnish Club was charged with gaming, I didn't act for them.

MR. MacKINNON: Q. When people consult you and you undertake to do something for them, do you not open a file?

A. I didn't undertake to do anything for them.

THE COMMISSIONER: Q. Did you not say yesterday that you prepared the resolution?

A. No, I didn't prepare the resolution. That was my evidence yesterday, that I did not prepare the resolution.

MR. MacKINNON: Did you prepare any of the minutes?

A. I may have, I don't recall.

Q. You would not keep a copy of this?

A. No. The minutes I prepared would go into the minute book and there would only be one copy that went into the minute book.

Q. Turning to November 24, 1954, at the time you were called by, was it, Mr. McDermott?

A. I said I didn't remember who had called me. It could have been McDermott; it could have been Feeley.

Q. I think Sergeant Anderson said McDermott.

A. I don't recall who called me.

Q. Did you telephone anyone else at that time?

A. You mean, after I had been called?

Q. After you had received a telephone call?

A. No. I dressed, got into my car and went out to the Cooksville jail.

Q. Did you phone any other member

of the legal profession?

A. No, I did not.

Q. At no time?

A. At no time.

Q. Did you advise us yesterday you had called the Club?

A. I phoned the Club back.

Q. Who answered the phone then?

A. I believe it was McDermott.

Q. We have been advised, and it is now in evidence, Mr. Feeley and Mr. McDermott were two of the found-ins who were carted off to Brampton. Who would be left to answer the phone?

A. There could have been Reid there; there could have been Laffradie.

Q. Reid was carted off.

A. Laffradie could have been there. I don't remember. You are asking me something that happened eight years ago.

Q. You do recall you made a phone call?

A. Yes, I made a phone call to the Club. I thought it was McDermott. If he was taken then I don't remember.

Q. Corporal Shrubb stated they took everybody they found there.

A. There should be a record, if McDermott was one.

Q. He was taken.

A. Then, it couldn't have been McDermott. I don't remember. I spoke to somebody and said I couldn't get bail for them, that there were no charges laid. You are asking me to recall something that took place eight years ago. I don't recall.

THE COMMISSIONER: Just let me interject here, if you do not mind.

Q. Where were you when you telephoned?

A. The phone call to the Club?

Q. Yes.

A. In Brampton.

Q. Why would you be calling someone up at the Club to tell them you could not get bail for the men in custody?

A. Because I was called originally to go out and try and arrange bail.

Q. Those who were interested in getting out on bail were those in custody?

A. The Club was interested in getting out these people on bail because they were members of the Club.

MR. MacKINNON: Q. Who is the "Club"?

A. The Club is all the members combined and the officers.

Q. I think you suggested yesterday it was really Feeley and McDermott?

A. I said they seemed to be the moving spirit behind the Club but I didn't say they were the Club. They struck me as the

moving spirit behind the Club. But, any member who came to the Club after they were taken and heard they were in jail would certainly attempt to get them out of jail, that would be the natural thing to do.

THE COMMISSIONER: Q. Would it?

A. Oh, yes.

Q. They would not know who were incustody?

A. They weren't interested who was in custody, they just said, "Go up and try to get those members out of jail, see if there is bail for them".

Q. Let me see Exhibit 7.

Have you a copy of Exhibit 7, Mr.MacKinnon?

MR. MacKINNON: Is that the report of Sergeant Anderson?

THE COMMISSIONER: Yes.

MR. MacKINNON: I have, sir.

--- Mr.MacKinnon hands document to the Commissioner.

THE COMMISSIONER: No, I have a copy. I was wondering if you wanted to use it.

MR. MacKINNON: Q. Who was the other name you mentioned who might have been there, Laffradie?

A. I said it might have been Laffradie. You asked me -- or, I was asked, I don't remember which counsel asked me, who had called me. I said I didn't remember but it seemed that I must remember so I suggested that it could have

been either McDermott or Feeley or Laffradie or Reid, or anyone else. I didn't know who called me and asked me to get bail, and I couldn't remember. And I told you that. The name I said it could have been, McDermott.

Q. We have Sergeant Anderson's evidence, who said --

A. He should have told you when I came out there I asked him whether these people could be released on bail. That was my purpose in going out there. He told me there was no charge laid and there was no bail.

Q. We were discussing some later telephone call to the Club?

A. I made it to the Club, that is right.

Q. And this is the occasion I was asking about, who you spoke to on that occasion, Mr. McDermott, Mr. Feeley, Mr. Reid and Mr. Laffradie all being men in custody.

A. I told you I didn't recall who I spoke to but it could have been McDermott, but I don't recall, who I spoke to. That is my answer originally and I still say I don't know who it was. It was somebody in the Club premises.

Q. We have Sergeant Anderson's evidence, which appears at page 2 of Exhibit 7 where he states, and I would like you to listen

to this:

" J.McDermott then asked if "he could 'phone his lawyer and he "was permitted to do so. At Mr. "Gebirtig's request, the writer "spoke to him over the telephone "and he was informed that all persons "on the premises were being removed "to Cooksville Police Station under "the provisions of Section 642 "Criminal Code."

AA 5

Were you not so advised?

A. I don't recall but that doesn't mean anything because other members could have come into the premises after these members had been removed.

Q. At six o'clock in the morning?

A. They weren't removed at six o'clock in the morning. I believe I got out there around one or 1.30 in the morning.

THE COMMISSIONER: Q. Mr. Gebirtig, do you know the hour of that raid?

A. No.

MR. MacKINNON: Q. 3.15.

A. Well, I would get out there shortly after they were removed.

THE COMMISSIONER: Q. No members would be there at four o'clock inthe morning?

A. Yes.

Q. For what purpose?

A. For the activities at the Club.

Q. What activities?

A. I don't know the activities, but the activities at the Club. The Club ran all night and it wasn't unusual for members to come in at 3, 4 or 5 in the morning.

Q. Were you ever out there at that hour?

A. No, my lord.

Q. How do you know people went out at that hour, then?

A. Friends of mine have gone out there very late.

MR. MacKINNON: Q. Did you get out to the Club? I think you said you went to Brampton?

A. I never said I went to the Club, definitely. I went to Cooksville Police Station first. I was advised that the men who had been taken out of the Club were at Brampton. I then went to Brampton. I never went to the Club at all that night, to the best of my recollection.

Q. I suggest that must have been after 5.30 in the morning at least, because they did not get there until then.

A. To where?

Q. To the Brampton location.

A. Whenever it was that they got

to Bramtpon, that is when I saw them.

Q. So, sometime after that you phoned the Club?

A. Yes.

Q. I suggest to you, if you did phone, it was some time between 5.30 and 6?

A. It could have been.

Q. You say somebody could have arrived there?

A. Yes, there was always somebody there.

Q. Was the door closed?

A. I wasn't there, I couldn't tell you.

Q. Were people given keys to this particular Club, to your knowledge?

A. I couldn't tell you.

Q. You did not have a key?

A. No, I didn't have a key.

Q. You were on the premises on one occasion when it wasraided by the police?

A. Yes, I was. I have been on the premises when there has been a dice game in progress when the police sat there andwatched it.

Q. You identified yourself to the police on this occasion as the solicitor to the Club?

A. No. I spoke to Inspector Tomlinson. He walked in. I was talking to

someone, I forget who. I was downstairs and the plice came in and went upstairs, and the late Inspector Tomlinson came down and said hello to me and turned around, and that is all that was said, and he walked out. I never had any conversation with him.

Q. Sergeant Shrubb said this morning you asked to see the warrant and identified yourself as solicitor for the Club. He asked you who you were and you identified yourself and he told you.

A. At Cooksville?

Q. Yes.

A. I don't recall that. I recall talking to the late Inspector Tomlinson. He is the only one I can recall talking to. Just a minute, I remember when the Police -- when the Provincial Police came out to the Club, it may have been Corporal Shrubb at that time, and another police officer walked into the Club and took over and sat down. I wasn't there when this happened. I came out later at the request of McDermott. They stayed there. Every member who came into the Club, their name was taken, their address, and I believe they were asked certain questions. I don't remember. And I got a call from McDermott to go out and find out what this was all about. I believe that was the occasion.

Q. That is not the occasion Corporal

Shrubb --

THE COMMISSIONER: Let him tell about this occasion.

THE WITNESS: I came out and asked to examine the bench warrant -- or, the search warrant, which I did, and which was in order, and I left.

MR. MacKINNON: Q. Was Inspector Tomlinson there on this occasion?

A. I don't recall. I don't think so. I don't think so.

Q. Now, at this time did you know Carl Herman?

A. Only as a solicitor.

Q. Had you had any -- what firm was he with?

A. I believe -- I couldn't tell you that, I would be guessing. I don't know.

Q.You do not know?

A. No.

Q. You never did any work with his firm or for his firm?

A. Not with him.

Q. With other members of his firm?

A. I told you, I don't know his firm. I don't know what firm he was with. I know he has a brother practising law but I don't know whether Herman is with him or not. I don't think he is.

THE COMMISSIONER: Q. When?

A. Any time I knew him. I don't think he was with his brother. I don't think so.

Q. How long have you known him?

A. Oh, I don't know, probably ten, 12 years, or so. I don't know. I would know him as I would know any solicitor I would see around the City Hall and Osgoode Hall, and so on. He was no friend of mine. I didn't know him.

MR. MacKINNON: Q. Was his brother a friend of yours?

A. No, no.

Q. Did you not have some discussion with him as to how hehappened to appear mysteriously on the scene?

A. You mean, to go out to Brampton?

Q. When he appeared?

A. I had no discussion. I believe, if my memory serves me correct, he said, "I am going to assist in this matter", and that was all right with me.

THE COMMISSIONER: Q. Did he?

A. If you call sitting there --

Q. I am asking you.

A. He did as any other solicitor.

Q. What did he do?

A. He objected to the fact these men had been held that length of time with no charge being laid or with no bail being

permissible. They ;weren't permitted to go out on bail. I remember that the Crown examined the segregated people and I am almost certain that I didn't ask any questions and I don't think he did. And, when all the witnesses had been examined I moved the people be allowed to go because there was no evidence to keep them on, and I think he did the same thing.

Q. Did he examine any of the witnesses?

A. No, not to my recollection.

Q. Did you?

A. No, I didn't examine any of the witnesses. There was no purpose to be gained because there was nothing said that was incriminating.

MR. MacKINNON: Q. You are saying you did not?

A. Well, I don't think so. I don't remember.

THE COMMISSIONER: Q. You pledged your oath that he did not and you did not a moment ago.

A. I have been in a hundred courts since eight years ago and if you ask me about these other cases I couldn't tell you about these cases. It is unfair to ask me, "Did you examine witnesses or didn't you?", I don't know, and that's the best answer I can

give.

MR. MacKINNON: Q. Had you ever been involved in Section 642?

A. I didn't know it existed in the Criminal Code.

Q. This was unique in your experience?

A. Yes, it was unique. I was amazed no charge was laid and no bail was allowed. So was the Governor of the Brampton jail. He asked the Provincial Police to remove these men out of the jail because there was no charge against them.

AAS

Q. You said you did not know the seven men held for questioning?

A. To the best of my recollection I knew none of them.

Q. Did you know David Nairn?

A. The name is familiar.

Q. You advised us you were a member of the Jordan Club?

A. Yes.

Q. And David Nairn was vice-president of the Jordan Club?

A. That doesn't mean I was familiar with him. I went out to the Jordan Club to have my lunch. I never attended any of the meetings.

Q. You never acted for the Jordan Club?

A. No.

Q. I thought you said in evidence to Mr. Wilson you had acted for the Jordan Club?

A. I stand to be corrected on this. This Club was located on Eglinton Avenue, the Jordan Club and I was a member at that time, of this Jordan Club. I may have at that time, prior to the time of the regime of McDermott and Feeley, have done some work for them; but, I never did any work forthe Jordan Club, oh, for eight years or more.

THE COMMISSIONER: Q. What do you mean, "prior to the regime of McDermott and Feeley".

A. Well, the directors apparently, who might have been, I would be guessing, they might have been controlled by McDermott and Feeley.

Q. You said "prior to the regime of McDermott and Feeley". I am using your language. You are now talking about the Jordan Club?

A. Yes.

Q. Was there a time when the Jordan Club was under their regime?

A. I don't know whether it was their regime or not. What I meant by that --

Q. Why did you use that phrase?

A. I knew the directors and suddenly

there was a new Board of Directors who I didn't know and suddenly McDermott and Feeley started to appear. I added two and two and it made four, that is all.

MR. MacKINNON: Q. Mr. Gebirtig, did not you make the returns for this Club from 1954 to 1960 and swear their affidavits?

A. I may have sworn the affidavits but I didn't make the returns.

Q. You would not be shown as solicitor on the records of the Provincial Secretary's office?

A. No, no. I think all the minutes were drawn by the Secretary of the Club. I never drew the minutes. I may have sworn the returns because I was in the Jordan Club quite often.

Q. Did you receive any fees for these services to the Jordan Club?

A. No, I certainly did not.

Q. Were you on a retainer by Feeley and McDermott?

A. I was not.

Q. Now, I have not asked you about Mr. Reid who got $810 back. I take it he was not in the court room when the seven men were being examined, because according to the information we have he was not one of these seven selected witnesses who were being called to testify.

A. Well, I don't know whether all of them were in the court room, these men who were taken out of the Club or just the seven or eight, whatever number it was. I don't remember whether everybody was brought into the court room or just these men; I don't recall.

Q. Were these men, at least, all in the court room at the same time instructing you?

A. Which men?

Q. The seven men who were being examined?

A. No, I never received any instructions from these men at all. The Crown put them on one after anotherand they cross-examined them.

THE COMMISSIONER: Q. Who cross-examined them?

A. The Crown, Mr. Davis. And when he finished cross-examining them they stood aside until the next one was cross-examined. I don't know whether I had anything to add to what the Crown did. I can't remember. I don't think I did.

MR. MacKINNON: Q. Can you remember whether all seven were there at the same time?

A. No, I do not.

Q. Do you remember about Reid, how

he came into the picture?

A. I don't remember whether Reid was one of those picked up.

Q. He was picked up but he was not one of the seven.

A. I don't know whether he was in the court room or whether he and the others who were examined were inthe court room or not. I don't recall.

Q. Can you tell me whether you adjourned and then came back and reconvened and then Reid went into the box and asked for his money back?

A. I don't recall that. Mr. Davis called each one of these witnesses and as they were examined they stood aside and the next one was called. I don't remember the matter being adjourned at all. I believe that after these men had been examined that I made a motion that everybody be released because there was nothing before the Court on which to hold them. And, if my memory serves me correctly, Magistrate Blain turned to the Crown, "What have you to say about it?" and he said, "There is no evidence to hold these men" and everybody walked out. I don't remember anything about $810; I neverheard about it until you mentioned it.

Q. Until Mr. Wilson mentioned it yesterday?

A. Or whoever it was. I read something in the Globe and Mail, if it was said here yesterday it is incorrect, that three charters were issued to replace three other charters, and they were issued to me or through me. That is not correct. I never at any time heard of these clubs until they were mentioned in this court room. I made no application for any charters, nor were they issued to me, nor were they issued at my request.

Q. Did you ever make any request to anyone to intercede with the Attorney General's Department for this Club, to stop raiding them?

THE COMMISSIONER: Q. Which club?

MR. MacKINNON: Q. The Veterans Club?

A. I never at any time made any request to anyone to communicate to the Attorney General to desist from doing anything at any time.

Q. What about the police?

A. I may have said -- I don't recall, but I may have said to Sergeant Anderson or Corporal Shrubb that there was no evidence of gaming and I thought they were persecuting this particular Club. I don't --

Q. Would this be on some social occasion you would meet them?

A. No, it might be at a trial, or

something.

Q. Did you ever say this to Inspector Stringer?

A. I never saw Inspector Stringer in my life. I wouldn't know now if he is in this court room. I never remember speaking to Inspector Stringer. I don't know the man.

Q. Do you know the former Sergeant Cronin?

A. I don't know him, although I believe on some prosecutions of gaming houses in which I was involved as a defense counsel that he was involved as an arresting officer.

Q. Did you ever speak to him about this Club?

A. No.

Q. Do you know former Police Constable Mamarie?

A. No, I don't know the man. I never heard of him except inthe newspaper. Never spoke to him.

Q. Police Constable Lawrence?

A. Never heard of him except in the newspapers.

Q. What about former police constable Wright?

A. I know him.

Q. Have you spoken to him?

A. I have spoken to Wright. He was

going around with a girl who was married. My books will show that a girl by the name of Fritz --

THE COMMISSIONER: Q. Who are you speaking about that you would know from your books?

A. I was retained to attempt to get a divorce for the girl who Wright was going around with and wanted to marry. He came in, paid me a retainer. The husband was an alcoholic and living with some woman and was prepared to disclose evidence of past adultery. I started the proceedings and the husband disappeared.

MR. MacKINNON: Q. When did this happen, while he was still onthe Force?

A. Yes, while hw was still on the Force.

Q. On the Anti-gambling squad?

A. Yes, while he was still on the Anti-gambling squad.

Q. Do you know who recommended him to you?

A. I think I recommended myself. I think it was one of the trials in Peterborough. He came in to see me. I don't recall.

Q. When was this?

A. As I say, I can get that information from my books.

Q. I wonder if you would?

A. Yes, I will.

THE COMMISSIONER: Q. Approximately.

A. I wouldn't hazard a guess. I don't remember but I have it in my books.

MR. MacKINNON: Q. Would it be in 1956? Was this when the Tisdale Club prosecution was going on?

A. It might have been about that time. Incidentally, the girl got the divorce, but not through me, and Wright married somebody else. I didn't act for Mr. Wright, Mr. Wright brought this girl in to me. I saw Wright here in the divorce action.

Q. He was paying your account?

A. Yes, he was paying my account.

Q. So he was your client?

A. No, the girl was my client.

THE COMMISSIONER: Q. He was just the financier?

A. That is right.

MR. MacKINNON: Q. How often did you see him?

A. I might have seen him twice, three times. He would come in with her.

Q. Was he ever in your company when Feeley and McDermott were there?

A. Never.

Q. Do you know Deputy Commissioner Bartlett?

A. No, never heard of him until this investigation.

Q. Never had anything to dowith him?

A. Never saw him. If he is in the court room I wouldn't know him.

Q. Then, possibly we can get this now rather than waiting until later: You said you had gone on fishing trips with Feeley and McDermott. Have you ever gone on any other trips with them, fishing or otherwise?

A. Yes, I have. Not with Feeley. But with McDermott.

Q. Yes?

A. I have been to Buffalo with McDermott.

THE COMMISSIONER: Q. How often?

A. I think it was once or twice, I think. I think twice.

Q. Only twice?

A. Only twice.

Q. Are you sure of that?

A. You are asking me again something that happened seven or eight years ago. I am hazarding a guess.

Q. Would it be as many as six times?

A. Oh, no.

Q. Are you positive of that?

A. Oh, yes.

MR. MacKINNON: Q. Who would be with you on these trips?

A. McDermott and myself.

Q. Anybody else?

A. No. Wait a minute, one time, Humphrey was with us.

Q. Have you ever flown down at night to the Bahamas or Florida?

A. I have never been that fortunate.

Q. Just to Buffalo on two occasions, that is the only trips you have made, apart from fishing trips with Feeley and McDermott?

A. Yes, to the best of my recollection.

(Page 450 follows)

MR. MacKINNON: Q. You mentioned - maybe I can clear this point up, though Mr. Wilson did go through the various clubs mentioned in Mr. Wintermeyer's speech, and you stated that you had acted for all of them, the one exception being you did not remember the Garment Centre Recreational Club as having acted for them. Now, can I refresh your memory? Do you remember writing the Provincial Secretary's office on July 13th, 1959, in respect to this club?

A. Yes.

Q. Yes?

A. Yes.

Q. So we can - -

A. But that - that was not - I was not acting for the club, I was acting for one of the officers, I believe it was, of the club, who had been charged with keeping a gaming house - my lord - I am very dry, - and the charge arose out of a bowling ball machine in the club premises, and Magistrate Bigelow sat, and was very loath to convict the club and the individual, they were both charged, or the individual was charged, but the club would lose its charter if the individual was convicted of keeping a gaming house on those premises. He was the - I think the secretary-treasurer, and they charged him for having this bowling - or this bowling game on the premises and the

Magistrate said that he had no other choice under the Code but to convict, but that if the Provincial Secretary threatened to cancel the charter that I was to contact him, and he would write a letter to the Provincial Secretary, pointing out that this was not actually a gaming house, and that the conviction was only registered as a result of this game of throwing - like a bowling game, and I wrote, I believe, the Provincial Secretary when there was a threat of a cancellation of the charter, which, incidentally was cancelled anyhow, and I believe that Magistrate Bigelow wrote a letter to the Provincial Secretary as well.

Q. And what - you point out the charter was taken away from the club?

A. Yes. As a result of that - may I continue? The Supreme Court of Canada within a period of months later ruled that the game was not one for which a conviction for gaming should be registered.

Q. Now, in connection with the Provincial Secretary's office, have you ever had any interviews or conversations with anyone in that office?

A. Yes.

Q. In connection with this club?

A. Yes, I have. I have appeared for - I don't know, 3 or 4 clubs when the - when

the police were requesting the Provincial Secretary to cancel these clubs on the grounds that they were a front for illegal gambling, and Mr. Cudney would have a hearing.

Q. Well, I don't want to get into that right now. We will be coming to that on another point. What I want to know was apart from your appearances in this manner, as counsel, I take it, for these clubs, did you have any discussions with anyone in the Provincial Secretary's office - -

A. About clubs?

Q. About these clubs, yes?

A. None, except Mr. Cudney, he would be the only man that I would be in contact with.

Q. Excuse me - - that is good enough, thank you.

EXAMINED BY MR. ERWIN:

Q. Just one or two questions, Mr. Gebirtig. I gather that - from you, that the statement that the police have made, it was through you that the charters, Provincial Charters were issued to those three clubs, the Centre Road, the Roseland, and the Frontier Veterans' Association,

was a case of mistaken identity?

A. I never heard of them.

Q. You had nothing to do with them?

A. I never heard of them until I walked into this court.

THE COMMISSIONER: Never heard of what?

A. Of the Roseland, what is the other?

MR. BREWIN: Centre Roads Veterans?

A. I never heard of the Centre Road Veterans.

Q. Well, you know where it is?

A. Well, I have read enough about it in the paper to know where it was, but I never heard of those clubs, or those charters. The Globe and Mail had a report that Sergeant Anderson said that he had been told that they had been issued to me, or through me, or something.

Q. Through you, yes.

A. That is not correct. He is mistaken when he says that, because they were not issued to me. I have nothing to do with them.

Q. Well, can you help us at all as to, perhaps there are other informations, but can you help us as to through whom they were issued? You were familiar with - -

A. I never knew they were issued.

Q. Did you know anything about the transfer?

A. I never knew a thing about them.

Q. You knew nothing about the transfer from the Federal to the Provincial Charter?

A. Not a thing.

THE COMMISSIONER: Did Mr. McDermott not mention it to you?

A. Your lordship seems to have the idea - - -

THE COMMISSIONER: Never mind what idea I have. I just asked you a question.

A. No, McDermott never mentioned that, my lord. There were periods of three and four months at a time when I would never see McDermott or Feeley.

MR. BREWIN: Well, now, just - well, my friend has pointed out to you that you were at least friendly enough with him that it was you that was - that in 1959 you were made the trustee of the aircraft that had been purchased?

A. Yes, that is true.

Q. I see. But at least you say they were not friendly enough to discuss the fact that these clubs that they were operating were now operating under Provincial Charter?

A. I never knew a thing about it. They never mentioned it to me. You see, I would say from about - oh, maybe 1955 or 1956, that I was not actively a participant with McDermott and Feeley. They were still friendly. I might

say they once - -

Q. To what extent were you a participant before? That is an interesting expression. What do you mean by it?

A. Well, to this extent, that I would appear in the defence when the gaming house had been charged, or I might be consulted about the - what activities could be carried on in these gaming - opin these clubs, and so on, and it seemed that I was no longer consulted. I didn't see them. A period of six months could expire, and I mightn't see either one of them.

Q. Is that what you meant by the expression participate?

A. That is all. I used - if I used the wrong word.

Q. You used the wrong word?

A. I said if I used the wrong word.

Q. You did use the word participate?

A. Yes, I did. I used the word participate. I did participate with McDermott and Feeley, that is to be retained by them, and be consulted by them, and I wasn't in the later years.

Q. Well, then, I wonder if you could tell me, on another occasion apparently it is suggested Mr. McDermott advised someone

that the use of this particular section of the Criminal Code that was used in November of 1954 was what really closed the clubs up. Did McDermott discuss that with you at any time?

A. He did at the time that - that it was used in 1954, yes, and he said this is a - -

Q. How did he discuss it with you? Just tell us your discussion?

A. Well, I don't remember how he discussed it, but it was discussed. I didn't - I wasn't acquainted with that section of the Code at that time. That was the first time I had run up against it, - excuse me - and it was discussed with McDermott. He said can they do this? I said, apparently they can, they have done it.

Q. Not only can they do it, but he told you that it was the most effective way, or was an effective way of closing up some of these gaming houses?

A. No.

Q. Didn't discuss that?

A. No. He was primarily interested in whether this was permitted, whether this could be done, whether the police could walk into a premises that was suspected of being a gaming house under a certain section of the Code, on little information, and take everybody out,

not charge them, take them to the magistrate, and examine them under oath.

Q. Well, you advised him that they could, I presume?

A. I learned that, yes.

Q. Well, did you learn that from what happened on November 24th?

A. That is true.

Q. And this was a discussion afterwards?

A. That is right, yes.

Q. Well, did you not give him any further advice about this particular matter?

A. No, except that it was in the Code, and that it could be used. That is all.

Q. I see. And did you - do you know whether McDermott or Feeley, or yourself, made any objection as to what was done on November the 24th?

A. I objected. Yes, I objected strongly.

Q. That morning?

A. That morning.

Q. Did you do anythingfurther than that?

THE COMMISSIONER: Objected to what?

A. I objected to the length of time that these people were held before they were taken before a magistrate.

THE COMMISSIONER: You told us that half a dozen times.

MR. ERWIN: That has not been - I wasn't asking you about that; I was asking you if you made any further objections?

A. No.

Q. Or do you know of anyobjections?

A. No, I don't know of any.

MR. ERWIN: All right.

FURTHER EXAMINED BY MR. WILSON:

Q. Just a few questions. We have been told that you were one of the found-ins, or persons present when the Alpha Club was raided on May 5th, 1954, and - -

A. The Alpha?

Q. Well, you know the Alpha, don't you?

A. Yes, I know the Alpha.

Q. That was the name the Centre Road had had early on in 1954. Now, do you recall being present when the club was raided at that time?

A. Well, I don't remember when it was, but I was in the club premises when there was a raid took place. Now, whether it was 1954 or

not I couldn't tell you.

Q. You don't remember the year?

A. I don't remember the year.

Q. No.

A. Or the date.

Q. Now, you heard the plea of guilty yesterday by McDermott and Feeley to carrying on a - -

A. Yes, I read that in the paper.

Q. Yes, and that related to the Centre Road Club, a gaming charge in respect to operations by them at that club. Now, on the occasion when you were there when a raid took place, was there any illegal activity going on, or were they playing nice quiet games that day?

A. I wasn't upstairs, I was sitting downstairs. I believe I was with Feeley, to the best of my recollection, and we were in the television room, that is a large room with television and there is settees and chairs, and Feeley and I were sitting down there. The first thing I noticed was that some men ran upstairs. I didn't leave the downstairs. I hadn't been upstairs, and I continued sitting there, and shortly afterwards, a few minutes later, the late Inspector Tomlinson came down, looked into the room, and there was only the two of us in the room, and looked at me and nodded his head,

and walked out.

Q. Were you ever upstairs in that club when - - -

A. Yes.

Q. When play was on?

A. Hm,hm.

Q. Was a bank game going on at any time while you were there?

A. Not while I was there. Not while I was there.

Q. And in any times you were there in the years 1954 and 1955, were you there and in that room upstairs?

A. I was never in that room upstairs, except when the Provincial Police were there watching this game that was in progress.

Q. When was that?

A. I don't remember. They have a record.

Q. Was that a bank game when they were there?

A. If it had been a bank game, they would have arrested them.

Q. I just want to clear up what kind of a game it was?

A. No.

Q. Did you never see any evidence of a bank game at any time while you were in that room?

A. Never.

Q. And when you talk about getting bail for those people who had been taken into Brampton on November 24th, 1954, where was the money coming from to provide the bail?

A. It was supposed to come from the club. Somebody in the club had phoned me and said see if there is any bail, whether bail can be arranged. I assumed that they, whoever it was, that was at the club, and at this late date I don't remember, would have arranged the bail.

Q. Yes, this mysterious person that you do not recall?

A. Not mysterious, Mr. Wilson. Not mysterious at all. Whoever was in the club premises at the time, and who phoned me and said find out if there is any bail; if there is, how much it is, and call us back, or call me back, which I did, and I called back and I said there is no bail.

Q. Now, you said that you undertook defence arising out of a - a gaming charge at the Tisdale Club premises in Peterborough in 1956?

A. Mm,hm.

Q. So I take it at that time the moving spirits were Feeley and McDermott?

A. Yes.

Q. That is all, thank you.

THE COMMISSIONER: That is all. Do you want to tie the date?

MR. WILSON: Well, I have all the dates. Although it will be introduced in evidence later, the actual hearings in the - where is the Tisdale Club - there was a trial in that matter, was there not?

A. As I recall it, what happened, as I recall, is that there was a trial. There were either three or four charged as keepers. There was a conviction. These four or three men, whatever it was, had been charged separately, but tried collectively, and an appeal was taken, and the Court of Appeal quashed the conviction on that ground.

THE COMMISSIONER: Give me the name of the accused? Do you know the name of the accused?

A. No, I don't remember.

THE COMMISSIONER: Well, didn't you defend them?

A. Of course I helped defend them, but I don't remember their names.

MR. WILSON: Well - - Harrington, was one?

A. I think Harrington was one, and I believe Horton was another.

Q. Horton was another one, yes.

A. But I don't remember the others.

Q. I cannot readily turn up the date of the first trial. The Court of Appeal - -

A. Quashed the conviction.

Q. - - quashed it, June 19th, 1956, and the second trial followed that, and I think that it was on July 18th, 1956.

THE COMMISSIONER: Now, that is - that is the one which you say McDermott and Feeley were the moving spirits in that club?

A. Oh, yes.

THE COMMISSIONER: No question about that?

A. No.

Q. And for how long had they been the moving spirits?

A. Well, I would assume from its inception.

THE COMMISSIONER: Why would you assume that?

A. Oh, from - well - I was retained to appear there by McDermott. It was always McDermott that was the spokesman for the both.

THE COMMISSIONER: Well, any convictions were at that particular address?

A. I beg your pardon, my lord?

THE COMMISSIONER: It was for convictions at that address following trials in which you appeared for the accused?

A. In Peterborough.

THE COMMISSIONER: Yes?

A. As I said yesterday.

Q. You just tell me yes or no.

A. Well, we didn't finish it up. We were asked to withdraw as counsel forthe accused.

THE COMMISSIONER: I see.

A. And I believe, and I speak from hearsay, that - that Mr. Maloney appeared subsequently, and pleaded guilty. I am almost sure that is correct, and a fine was levied, I believe.

THE COMMISSIONER: Who paid the fine?

A. Well, I didn't appear. I don't know.

Q. You don't know?

A. No.

THE COMMISSIONER: There was more than one conviction in respect to that, Mr. Wilson, wasn't there?

MR. WILSON: I think not.

THE WITNESS: No, my lord.

MR. WILSON: No, there was only one. The trial - the first trial started on December 15th, 1955. Itwas adjourned and continued on January 18th, 1956, and then I have already given you the date ofthe disposition of the matter by the Court of Appeal, and the second trial - and you appeared at the first trial?

A. We appeared at the first trial, and we -

THE COMMISSIONER: Who is we?

A. Humphrey and myself. There were three or four accused, and I don't remember who I represented and who Humphrey represented, but we appeared at the first trial, and when the Court of Appeal ordered the -- or quashed the conviction, the charges were relaid, and we appeared at the second trial when Magistrate Bartrem came down from Toronto to take Magistrate Phelps' place, because Phelps had heard the original trial. Bartrem took the plea of not guilty, we filed the exhibits that had been used in the previous trial, and filed the evidence with Magistrate Bartrem. It was adjourned, I don't remember for a month or three weeks, or whatever it was, to give Magistrate Bartrem an opportunity of reading the transcript of evidence of the first trial. We came back on the date set for the trial, and lo and behold we had Magistrate Beamer Hopkins from Hamilton sitting, so I raised the point to Magistrate Hopkins that Magistrate Bartrem was seized of the matter, he took the plea of not guilty, he - the evidence had been transcribed, the evidence had been filed with him, the exhibits had been turned over to him, and that he was seized of the matter, and that Magistrate Hopkins

could not hear the matter. Magistrate Hopkins said he was going to hear it regardless, so I asked that he adjourn the matter for a week to give us the opportunity of applying for a Writ of Prohibition, and he refused to do it; so I withdrew, and Humphrey withdrew, and the accused were left without counsel, and an adjournment was granted. Subsequently, or between the time - I believe there was an adjournment for a week or two weeks to give the accused an opportunity of getting other counsel. Between that time we were asked to withdraw as counsel forthe accused, and as I later found out, Mr. Maloney - Mr. Arthur Maloney was retained in our place, and handled the matter from then on.

THE COMMISSIONER: Now, who asked you to withdraw as counsel?

A. Horton, Horton and the other chap.

MR. WILSON: Well, Mr. Commissioner, I can give you the names of the seven persons charged.

THE COMMISSIONER: Yes.

MR. WILSON: These, on my information, are the seven persons:

Leo J. Delaire, 299 King Street, Peterborough.

Walter McHaffey, 496 Stewart Street,

Peterborough.

Neil Harrington - - -

THE WITNESS: Harrington was one of them.

MR. WILSON: 411 Downie Street, Peterborough.

Ronald Horton?

THE WITNESS: Horton was the other. Those two asked us to withdraw.

MR. WILSON: 472 Thompson Avenue, Peterborough.

Kenneth Fleetwood, 231 Euclid Avenue, Peterborough.

Richard O'Brien, 227 Antrim Street, Peterborough.

And John Joseph McGuire, 390 Queen Street, East, Peterborough.

THE WITNESS: Horton, and what is the other fellow's name?

THE COMMISSIONER: Harrington.

THE WITNESS: Harrington.

MR. WILSON: Harrington and Horton.

THE WITNESS: Those were the two that I appeared for who - and that asked us to withdraw.

MR. WILSON: That asked you to withdraw?

A. Yes. They took a trip up to Toronto, made an appointment, if I remember correctly, with Humphrey and I, and told us that we were creating too much of a problem for them

to live in the City of Peterborough, and something I think that happened, that Horton's words were that you don't have to live in Peterborough, we have to live in Peterborough, and we don't want to get in wrong with everybody, the police and magistrate and so on in Peterborough, and we would rather you withdrew, and we will get somebody else to finish this matter for us, which we did.

MR. WILSON: Well, there will be further evidence about the Tisdale Club charges. I think that is all I want from this witness at this time. You may be required later.

THE COMMISSIONER: That is all.

---The witness withdrew.

MR. WILSON: I think -- - were you considering an afternoon adjournment?

THE COMMISSIONER: Oh, yes, we will have an afternoon adjournment. Is this a convenient time? Do you suggest it now?

MR. WILSON: I would suggest it now.

THE COMMISSIONER: All right.

MR. WILSON: Yes, Mr. Commissioner.

THE COMMISSIONER: Ten minutes.

---Short recess.

MR. WILSON: Call Mr. Herman.

MR. CARL HERMAN, sworn:

EXAMINED BY MR. WILSON:

Q. November of 1954 you were a practising solicitor in the City of Toronto?

A. That is correct.

Q. And with whom were you engaged in the practice of law at that time?

A. Myself.

Q. By yourself?

A. Yes.

(Page 470 follows)

Q. And then later on you were disbarred by action taken by the Law Society?

A. That is correct.

Q. And what is the date of that?

A. During the year 1957, I don't remember the date.

Q. And in the period of 1954 to 1957, did you continue to practise alone?

A. Yes.

Q. On November the 24th, 1954, did you receive a call requesting that you go to the court house at Brampton?

A. Yes.

Q. Who called you?

A. I don't remember, I know I received a call during the night, and I don't remember who made the call or any particulars about the phone conversation. I had been asleep.

Q. Just tell us what your recollection of that telephone conversation is?

A. I cannot remember the phone call itself. I know that I went to Brampton. I know it was as a result of a phone call, but I cannot remember the particulars of the call itself.

Q. Well, what was the phone call about? You don't just go off to places like Brampton when you get a telephone call, do you?

A. No. The phone call must have

been requesting me to come to Brampton, because people were arrested.

Q. Who were you to report to when you got there?

A. At this point, I don't remember.

Q. Who did you report to when you got to the court house at Brampton?

A. I don't remember whether I went to the court house, or to the jail, or exactly where I went. I know there were a great number of - I do remember there were a number of people involved in this, and which one of those people I spoke to, I don't remember.

Q. Well now, at this time did you know Joseph McDermott and Vincent Peeley?

A. I met them in Brampton.

Q. Well, had you done work for them before this date?

A. No I had not.

Q. Had you done work for any of the persons that you met when you got to Brampton, prior to this date?

A. I believe that if I am not mistaken there were a couple of people involved in this arrest that I had done work for. I believe one was a real estate agent, and another man on another matter, I don't remember exactly, but there were several other people there that I had done work for.

Q. Then who did you talk to when you got there?

A. I spoke to these people. I think I spoke to - I think I spoke to Mr. McDermott and Mr. Feeley. I am not sure, but I think so.

Q. What time did you get to Brampton?

A. I can tell you that it was very early, but I don't remember the time at all.

Q. When you got there, did you make arrangements for your fee?

A. I don't remember speaking about a fee.

Q. Were you concerned about whether you were going to be paid for these services?

A. Presumably I was - I don't remember - it is quite a while ago, and I don't remember exactly what did take place with regard to fees.

Q. Did you ever get paid for your trip to Brampton, and the services you rendered that day?

A. As far as I know I did. I have no direct recollection of it.

Q. Do you know how much you charged?

A. No, I don't.

Q. You say you talked to McDermott and Feeley?

A. I believe I did.

Q. And what was your discussion with them?

A. I don't remember what I talked to them about.

Q. Well now, what services did you render?

A. I appeared in court that morning. I don't remember the time, and I do remember a very small amount about the hearing, but not too much.

Q. Did you take part in it?

A. I remember sitting at the counsel table. I don't remember whether I asked any questions or not.

Q. How many people were examined?

A. I can only say that a number of people were examined. I have no recollection of any of the individual people who were examined, anything they said, or who they were.

Q. Were any of the people that were examined, people you had spoken to before the examination started?

A. At this particular point sir, I don't remember.

Q. Well, you told us there were three people that you had particular recollection about.

A. I think I said two.

Q. Well two then.

Q. And what was your circumstances
with them?

A. I don't remember what I talked
to them about.

Q. Well now, what motivated Dan
Tucker?

A. I suppose to court that
morning. I don't remember the time, but I do
remember a very small crowd for hearing,
but not too much.

Q. Did you take part in it?

A. I remember sitting at the counsel
table. I don't remember whether I asked any
questions or not.

Q. How many people were assembled?

A. I can only say that a number
of people were assembled. I have no recollection
of any of the individual people who were assembled,
anything they said, or was they were.

Q. Were any of the prosecutors
were examined. People you had spoken to before
the examining attorney?

A. At this particular point in it,
I don't recall.

Q. Well, you told us there were
three people that you had particular recollection
about.

A. I think I said two.

Q. Well two then.

THE COMMISSIONER: Who were they?

MR. WILSON: Q. Who were they?

THE WITNESS: One was a man named Alexander, who I had acted for in another connection sometime before that.

Q. Yes, and who was the other one? That would be Vincent Alexander?

A. It could have been. And there was another man who was a realtor, or worked for a realtor, and I don't remember which realtor it was, and what this man's name was, but that I sense it in my mind that it had something to do with real estate.

Q. Was this Alexander, a realtor, among the group that were examined in the court room?

A. I don't remember, sir.

Q. How long did the examination take?

A. I don't think it was terribly long, and I cannot actually accurately tell you at all. I can make a guess, if you wish.

THE COMMISSIONER: Then make a guess.

THE WITNESS: I think perhaps twenty minutes or half an hour, but I am guessing, because I don't remember accurately at all.

Q. What is your recollection as to the time that these examinations started?

A. I am again guessing, and I think it was nine o'clock.

Q And what happened at the conclusion of the examinations?

A. The matter was not proceeded with, and was disposed of, I think, because there wasn't enough evidence shown.

Q. Was there a man named Reid who was examined - George Reid?

A. I would not remember, sir.

Q. You would not?

A. No, not at all.

Q. Was there any recess or adjournment during the course of these examinations?

A. Not that I remember, sir.

Q. And what happened when the examinations were over?

A. The impression that I have is that when the examinations were over, there simply wasn't enough evidence to proceed with, and that was the end of it. There wasn't any that I remember.

Q. And did you get paid that day?

A. I don't remember, sir.

Q. Did you return to Toronto later that morning?

A. I did.

Q. Did anybody accompany you?

A. I think I came back myself. I had driven out myself in my own car.

Q. Now Prior to November the 24th,

1954, had you acted for any of these social clubs or any of the operators of these social clubs?

A. I believe that on one occasion there were some men in, to see me about a social club, and I had done some work for them - oh, I think it must have been a few years before that.

Q. Do you remember the name of the club?

A. No sir.

Q. Was that the only social club you had anything to do with?

A. Yes, that I remember. It is the only one.

Q. And after you got this call early in the morning of November the 24th, did you call anybody else before you went out to Brampton?

A. No.

Q. Did you call anybody between the time you left your home and the time the inquiry, or questioning of these men commenced?

A. No, not that I remember. Certainly.

Q. Did you see any other counsel there?

A. Yes.

Q. Who?

A. I saw Sol Gebirtig there.

Q. And what did you say to him?

A. I don't remember any conversation. I seem to have the impression that he was there when I arrived.

Q. Had you known him before?

A. Yes.

Q. And had you done business with him before?

A. I don't think I ever did any business with him, I did know him, having seen him around. I certainly don't remember where I had met him, and I don't remember having done any business with him.

Q. Do you recall what, if anything, the Magistrate said at the conclusion of the hearing?

A. I would not recall any words he said specifically. I just had a general impression that he felt that there was no evidence shown.

Q. Do you recall, what, if anything, was said by Mr. Davis, the Crown Attorney?

A. No, I don't. I think Mr. Davis was questioning the people that were examined, but I don't remember anything specifically that he asked. I think he asked them or questioned about what they had been doing, but that is a very vague and general recollection.

Q. Well, at the end of the questioning, do you recall anything said by Mr. Davis to the

Magistrate?

A. No, I don't.

Q. Did you know any of the Ontario Provincial Police officers who were present at the time of the questioning?

A. I don't think so. I might have seen some of them in various places before, but I don't think I actually knew them.

Q. Did you speak to any of them before the questioning or after?

A. I would not remember, I might have asked them some questions - I might have spoken to them, I don't know, but the odds are, I probably would say something to them even if it was, "How do you do".

Q. Before the questioning commenced, did you raise the question of bail?

A. I have no recollection of that, sir. It is quite possible I did, but I just simply don't remember.

MR.WILSON: That is all, thank you.

THE COMMISSIONER: Mr. MacKinnon, have you any questions?

MR. MacKINNON: Yes.

EXAMINED BY MR. MacKINNON:

Q. You are now employed by Bender Brothers, are you?

A. No.

Q. Who is your employer?

A. I am employed by a company. Must I name my employer? I would rather not.

THE COMMISSIONER: Well write it down for me. Give me a piece of paper.

THE WITNESS: My lord, here is the card with the name of my employer on the lower left.

THE COMMISSIONER: Yes, thank you.

MR. MacKINNON: Is it a carnival company?

A. No sir.

Q. Were you ever employed by Bender Brothers?

A. No, I don't think I know the name.

Q. Or Bernard and Berry?

A. I know that name, and I don't think I was ever employed by them.

Q. That is just since you have been disbarred, we are talking about?

A. No. Then the answer is no.

Q. When were you called to the Bar?

A. 1947.

Q. And I take it this was your first experience with this particular section of the Criminal Code that was being used on this occasion?

A. You mean the section?

Q. 642 as it then was?

A. I would not remember the number. You mean the section that allows an examination?

Q. Yes. That is correct.

A. Yes.

Q. Now, did you call your brother Lou Herman at this time?

A. No.

Q. Did he call you?

A. No.

Q. Did you have any discussion with him about this particular matter?

A. No, there was no reason to. This had nothing to do with Lou.

Q. But you don't know who called you?

A. I don't remember who made the call to me, no.

Q. Are you suggesting it was one of these two men that you say you believe you had acted for?

A. It could have been one of them, but I could not tell you that it was.

Q. Would you have any file on this particular matter?

A. No, I have no file.

Q. Did you send an open account?

A. I would not remember, sir.

THE COMMISSIONER: Well I suppose at a very early hour in the morning you were aroused from a peaceful sleep, you would naturally say, "Who is talking"?

A. I am sure that I did, and I am sure that I probably knew who was talking then, but I don't now.

THE COMMISSIONER: Are you pledging your oath that you don't know now who called you?

THE WITNESS: I certainly am, sir.

THE COMMISSIONER: And you don't know who paid you - you are pledging your oath as to that?

THE WITNESS: I don't know who paid me, that is correct, sir. I have a vague recollection of getting paid in cash after the hearing. It is very vague, and I don't know who it was that paid me. I could even be wrong in that, but it is very vague, and if I had asked who it was, I don't know, and I say that, and pledge my oath to that.

THE COMMISSIONER: Well,where were you paid?

A. I believe, and I am guessing,

A. I believe, and I am prepared.

THE COURT: Would you have any file on this matter?

A. No, I have no file.

Q. Did you send in some documents?

A. I would not remember, sir.

THE COMMISSIONER: Well I suppose it's a very simple test to the question may, "Are you truthful?"

A. I am sure that I did, and I am sure that I [illegible] when the letter came, that I left one.

THE COMMISSIONER: Are you finished your [illegible]

THE WITNESS: I absolutely am, sir.

THE COMMISSIONER: And you don't know who paid me to come?

THE WITNESS: I don't know who paid me, that is correct, sir. I have a vague recollection of getting paid in cash after the meeting. It is very vague, and I don't know who it was that paid me. I could even be wrong in that, but it is very vague, and it had gotten me there, I don't know, and I may that's, and pledge my oath to that.

THE COURT: [illegible]

A. I believe, and I am prepared.

that it was outside. I think that is correct.

THE COMMISSIONER: At Brampton?

THE WITNESS: I think at Brampton.

THE COMMISSIONER: How much?

THE WITNESS: I don't remember, sir.

THE COMMISSIONER: Was it by cash or cheque?

THE WITNESS: I think it was cash. Now I have a recollection of getting cash.

THE COMMISSIONER: Just search your recollection now, and tell us.

THE WITNESS: That it was cash, sir?

THE COMMISSIONER: Or cheque.

THE WITNESS: I believe it was cash that I received.

THE COMMISSIONER: Did you keep books at the time?

THE WITNESS: Yes, I did.

THE COMMISSIONER: Are they still in existence?

THE WITNESS: I don't know whether they are, sir.

THE COMMISSIONER: Are you pledging under oath that you don't know where your books are?

THE WITNESS: Yes sir.

THE COMMISSIONER: Where would they really be?

THE WITNESS: I surrendered them, and handed them over to some accountants in 1957.

time is now outside. I think that is correct.

[illegible]

[illegible]

[illegible]

The accountants I believe appointed by the Society, and I don't know what they did with them.

THE COMMISSIONER: And you never got them back?

THE WITNESS: No.

THE COMMISSIONER: Are you sure of that?

THE WITNESS: Yes.

THE COMMISSIONER: Who were the accountants?

THE WITNESS: Welch, Hinton, and another name, that I don't remember. I think it is spelled W-e-l-c-h.

MR. MacKINNON: Don't you remember that they would just take off the information from your books, and give them back to you - in fact weren't they carrying on their investigation in your office?

A. No, they removed the books to their own office and I volunteered to go there and assist them.

Q. And explain the entries?

A. Yes.

Q. And did they not give these books back toyou, after they completed their investigation, and made their report?

A. I don't know where those books are.

THE COMMISSIONER: That is not what you

were asked. You were asked if they gave them back to you.

THE WITNESS: I have no recollection of them ever having given them back to me.

MR. MacKINNON: So far as you know, they are still with the Law Society's accountants?

A. As far as I know.

Q. And in any event, this entry would appear in your books, if we wanted to locate them?

A. I think it would, yes.

Q. Showing the source of the payment and what it was for?

A. I believe it would, yes. I have no actual recollection of entering it, but I am simply guessing it would.

Q. Have you - if you received it you would enter it?

A. Yes.

Q. Now you mentioned that you knew Mr. Gebirtig, do you know him very well?

A. No.

Q Have you been speaking to him about this hearing prior to today?

A. When I walked in yesterday I spoke to him.

Q. You discussed his evidence, did you?

A. No.

Q. No discussion of that kind at all?

A. No.

THE COMMISSIONER: Is that the only time you spoke to him about this?

THE WITNESS: Yes, I did not know I was going to be here until about two-thirty yesterday, and I phoned the office of my employer, as I would ordinarily, to see if there were any messages for me, and I was told to get in touch with a certain constable. I had no idea whatever what it was about at that point, and this would be approximately 2:15 to 2:30 yesterday afternoon, and I was told to come to this building. I asked the officer why, and he said that it was in connection with the Crime Commission, and I don't know why, and I came here.

MR. MacKINNON: You read the newspaper reports last night, and this morning?

A. Yes, I did.

Q. Now were you a member of this Centre Roads Veterans Club, or Alpha Club at this time?

A. I don't know the name Alpha Club, other than I read the name in the paper last night.

Q. Well, the Centre Road Veterans Club?

A. I don't know.

Q. You have never been on the

Q. No discussion of that kind at all?

A. No.

THE COMMISSIONER: Is that the only time you spoke to him about this?

THE WITNESS: Yes, I did not know I was going to be here until Wednesday afternoon, and I phoned the office of my employer, as I would ordinarily, to see if there were any messages for me, and I was told to get in touch with a certain constable. I had no idea whatever what it was about at that point, and this afternoon, and I was told to come to this building. I asked the officer why, and he said that it was in connection with the Crime Commission, and I don't know why, and I came here.

MR. MacKINNON: You read the newspaper report last night, did this morning?

A. Yes, I did.

Q. Now were you a member of this Centre Road Veterans' Club, or Algoma Club at this time?

A. I don't know the name Algonquin, other than I read the name in the paper last night.

Q. Well, the Centre Road Veterans

Club?

A. I don't know.

Q. You have never been on the

premises, and have never been on the premises?

A. I have never.

Q. And you had never met McDermott and Feeley prior to that time, is that what you are saying?

A. No, I di_d not say that.

Q. Well, had you?

A. I met McDermott and Feeley in Brampton on that day, and I believe I had met them once before.

Q. Where?

A. I think they came in - - I cannot say they, I don't remember both of them - I think I met Joe McDermott once. I think he came into my office - I think, I don't know what he asked me, but we never did any business. Nothing came of it.

Q. You don't know why he came into your office?

A. There was some question of some information he wanted.

Q. Was he sent in by some other solicitor?

A. Not that I remember. I don't remember the details of it, but I do know that I had met him once before.

THE COMMISSIONER: Were you ever in Bertie Township?

THE WITNESS: I don't know where Bertie

Township is.

THE COMMISSIONER: Over at the Niagara Peninsula?

THE WITNESS: I have been in the Niagara Peninsula.

THE COMMISSIONER: Do you know the constable at Bertie Township?

THE WITNESS: I do not, not that I am aware of, nor do I know where Bertie Township is, your lordship;

MR. MacKINNON: On this day in question, November the 24th, 1954, we have been told that a George Reid, at the timeof this hearing, or sometime during the course of the proceedings, advised the Magistrate that $810.00 which had been found onthe premises, were his, or was his, and do you remember this happening?

A. No.

Q. Do you remember anything about money at all?

A. I don't.

Q. Do you remember anything about money at all?

A. I don't.

Q. Do you remember actually whether there was an adjournment at some stage, say at the completion of the evidence?

A. Not that I remember.

Q. Your memory is not at all clear

as to what happened on this day?

A. I am afraid it is not. The recollection I have is of a hearing, and of it being disposed of, and leaving.

Q. Are you related to a A.Herman, of 188 Aston Avenue?

A. No, I don't know the address or the name.

MR. MacKINNON: Possibly Mr. Wilson, Mr. Commissioner, could see if we could locate these books with regard to this particular date?

MR. WILSON: I intend to make inquiries, Mr. Commissioner.

MR. MacKINNON: Are you familiar with Airgo?

A. Yes.

Q. And did you have a position with them?

A. Yes.

Q. What was your position?

A. I was hired there as a manager to run it, and particularly to try to do something about the publicity, and promotion, with regard to it.

Q. And when was this?

A. About a year ago, I think in March, one year ago.

Q. And who introduced you to this particular occupation?

A. A man named Erlich, who I was told was owner.

THE COMMISSIONER: Mr. whom?

THE WITNESS: Mr. Erlich, E-r-l-i-c-h. his first name is Leslie.

Q. Did you have anything to do with Feeley and McDermott in connection with your duties as manager of Airgo?

A. Nothing at all. I never saw them there, or in any way heard of them in connection with it, except that I had understood that some years previously they had had something to do with the ownership of Airgo.

Q. Who advised you of this, Mr Erlich?

A. I think it was Mr. Erlich.

MR. MacKINNON: Thank you.

THE COMMISSIONER: Have you any questions, Mr. Erwin?

MR. ERWIN: No, I have no questions, sir.

THE COMMISSIONER: Leaving aside the Centre Road Club, and the events of November the 24th, leaving that to one side for the moment, have you ever done work for McDermott and Feeley, or either of them?

THE WITNESS: I have not.

THE COMMISSIONER: Or anyone with whom you knew they were associated?

THE WITNESS: Well I understood, as I said, that they had once owned Airgo.

THE COMMISSIONER: Leaving Airgo to one side, also?

THE WITNESS: No. If I understand you, I have not done any other work for them, or anyone associated with them, in any way.

THE COMMISSIONER: All right, that is all for the time being.

THE WITNESS: Thank you. When will I be needed again?

THE COMMISSIONER: Mr. Wilson will let you know when you are wanted again.

---The witness retired.

MR WILSON: My next witness is Inspector Bird.

Anti-Gambling Branch.

Q. Did he come and give any lectures at the Police College?

A. Towards the latter part of the period I mentioned.

Q. Now did Sergeant Anderson ever say anything to you about a raid that the Anti-Gambling squad made at Brampton in November of 1954?

A. Yes, sir.

Q. When did he speak to you about that?

A. Several months ago, Sergeant Anderson mentioned - -

Q. Was that the first time he had ever spoken to you about the raid?

A. That is the first time Sergeant Anderson ever spoke to me about the raid.

THE COMMISSIONER: How long ago, did you say?

THE WITNESS: A couple of months ago sir.

(Page 490 follows)

THE COMMISSIONER: Was that before or after this Royal Commission was created?

A. I cannot be sure, your lordship, whether it was before or after.

MR. WILSON: Q. And what statement - or just tell us what conversation you had with him about this incident at that time.

A. Well, the conversation was in relation to the part that Inspector Tomlinson had played in the examination of witnesses at Brampton following the raid at Cooksville; and I said to the sergeant at that time that Inspector Tomlinson had told me on a number of occasions of his part in it and what he knew of it during his six years tenure at the Police College, that he told me about the case a number of times and I mentioned them to Sergeant Anderson at the time of conversation.

Q. Now, what did Inspector Tomlinson tell you about his part in the examination of these witnesses at Brampton?

A. Well, I recall him telling me that he, acting in a supervisory capacity in the Anti-Gambling Squad at the particular time he was Director of the Police College, that he was somewhat concerned at receiving a report from Sergeant Anderson and that he had gone to Brampton to see the Crown Attorney, Mr. Davis, concerning the conclusion of the examination at Brampton.

Q. I just want to be clear - Inspector Tomlinson did not say he was present when these examinations took place?

A. No.

Q. But he was disturbed about some report he had received from whom?

A. From Sergeant Anderson.

Q. Would that be the regular report of the officer in charge of the raiding party?

A. Yes.

Q. Now, what concern did he have in the matter as he related it to you?

A. Well, as he related it to me, and this procedure being used at Brampton under the old Criminal Code, that at a particular period for some reason the proceedings had been concluded, and he then personally visited Mr. Davis, the Crown Attorney, and to discuss the matter with him.

He was quite upset when he told me the story and was unable to reach any conclusion that he was able to give to me, but he told me the story, as I said, a goodly number of times over the period of five or six years.

Q. He was quite a zealous officer, wasn't he, very energetic?

A. Yes, he was.

Q. In the discharge of his duties?

A. Yes, he was.

Q. And I take it he was upset about the failure to turn up evidence which would warrant a prosecution?

THE COMMISSIONER: Why not ask him what he was upset about?

MR. WILSON: Q. Yes, what was he upset about?

A. Well, as he told it to me he was upset about the fact that the hearing, this examination had been concluded in such an abrupt manner, and that his visit to Crown Attorney Davis he was able to elicit no reason why it had been terminated that seemed to satisfy him (Tomlinson) anyway; and this was his retort, his story to me as he told it to me, as I say, and repeated it a number of times.

Q. Do you remember when he first told you anything about the incident?

A. The exact date I cannot remember.

Q. Well, the year?

A. Yes,it would be probably during the discussion in the Police College after he became Director when we were discussing courts and methods of trial, etc. and this Section 642, and he related this experience.

THE COMMISSIONER: Now, you are not very helpful to me. What experience did he relate?

A. Well, in the use of this Section 642, he was quite pleased to be able to use it

in these particular cases. I understand he had some part in the application of it, or so he told me. Then when it suddenly concluded so abruptly without seeming to produce results as he had anticipated, then he was quite upset and visibly disturbed.

Q. Did he tell you how it had terminated abruptly?

A. He told me -- now this is even further -- that he had been told that it was as the result of a telephone call to the Crown Attorney on this particular occasion.

Q. Then he told you that somebody had reported to him ----

A. Yes.

Q. That it had been terminated because of a telephone call to the Crown Attorney?

A. Yes, my lord.

Q. All right, we have got that, and that is what he was disturbed about?

A. Yes, my lord.

MR. WILSON: Q. Did he say that there was any other evidence that could have been brought on this occasion?

A. No, he did not, no.

THE COMMISSIONER: Did he enlarge upon it at all?

A. The only part that he enlarged upon and indicated to me that caused this upset, was the fact that the procedure had been stopped

in those particular cases. I understand he had some part in the application of it, or so he told me. Then when it suddenly concluded in unusual closing by Private Smith as he had anticipated, then he was quite upset and visibly disturbed.

Q. Did he tell you how it had terminated shortly?

A. He told us -- how this is even [illegible] as the result of a telephone call to the Crown Attorney on this particular occasion.

Q. When is this [illegible] reported to him ----

A. Yes.

Q. That it had been terminated because of a telephone call to the Crown Attorney?

A. Yes, my Lord.

Q. All right, we have got that.

MR. HILTON: Q. Did he say that there was any other evidence that could throw some light on this occurrence?

A. No, he did not, no.

THE COMMISSIONER: Did he volunteer that it at all?

A. The only part that he contributed there and insisted to me that caused this upset, was [illegible]

when it should have continued to its conclusion - logical conclusion in his words or words to that effect, and that he was upset because it had suddenly been terminated and he could not understand why.

Q. Then did he tell you he went to see Davis?

A. Yes, my lord.

Q. To enquire about it?

A. Yes, my lord.

Q. Then did you talk to him about his visit to Davis?

A. This would be after the visit to Davis and everything, I would get the whole story at one time.

Q. I see.

A. He told me he had visited Crown Attorney Davis in Brampton and been unable to determine even with that visit why this had been stopped.

MR. WILSON: Q. Did you make any other inquiries yourself to find out about the incident?

A. No, sir.

Q. Have you told us everything that he told you about his visit to Mr. Davis?

A. Yes, sir.

Examined by Mr. McKinnon

Q. Then did he tell you he went to see Davis?

A. Yes, my Lord.

Q. Is anyone sure in?

A. Yes, my Lord.

Q. Then did you talk to him about his visit to Davis?

A. Yes, my Lord.

Q. Is anyone sure in?

A. No, my Lord.

Q. Then did you talk to him about his visit to Davis?

A. I see.

A. He told me he had visited Green Avenue [illegible] I would put the story to you.

Q. I see.

A. He told me he had visited Green Avenue on that night.

Q. Did you make any further inquiries to find out about the incident?

A. No, sir.

Q. Have you had no conversation with Mr. Davis?

A. Yes, sir.

Cross-examined by Mr. Hopkins

EXAMINED BY MR. McKINNON

Q. Inspector, did I understand you to say that you had discussed this particular matter with Inspector Tomlinson over a period of years, is that correct?

A. Yes, sir.

Q. Do you remember the first occasion when he raised it with you? Would it be shortly after November 24th, 1954?

A. I can't be certain, some time after.

Q. And did he advise you whenever he first raised it with you, that his information which he received from Sergeant Anderson and Corporal Shrubb was that there had been a telephone call from the Attorney General's office to the Crown Attorney, and that the Crown Attorney had then come out and said, "I have been instructed to terminate these proceedings" - is that the information he conveyed to you in the general sense?

A. In a general sense, yes, sir.

Q. There is no doubt in your mind about that at all, is there?

A. No doubt, sir.

Q. Then he further advised you in telling you the history of this event, that as the result of this information he had gone to see the Crown Attorney, is that correct?

A. Yes, sir.

Q. Did he tell you that he had raised

this question of the phone call from the Attorney General's office with the Crown Attorney?

A. That he had discussed the matter with the Crown Attorney.

Q. And would that include this phone call?

A. I don't know.

THE COMMISSIONER: Just a moment. Do not ask him to conclude whether it included the telephone call.

MR. McKINNON: Well, Unless Inspector Tomlinson told him.

THE COMMISSIONER: Did he refer to the telephone call.

MR. McKINNON: Q. Did Inspector Tomlinson say that he had referred to this phone call that you can recollect in discussing it with the Crown Attorney.

A. Not that precise. I cannot recall that precisely.

Q. Presumably that would be the reason for him going out to see the Crown Attorney, would it not?

A. I presume so.

Q. Did he also advise you that in speaking to the Crown Attorney, the Crown Attorney's reaction had been, or statement: "I wash my hands of the whole affair"?

A. I cannot recall that.

A.M. Blvd Dpt.

Q. And I believe you said that - presumably this came from your knowledge of Inspector Tomlinson, and he was quite upset about this?

A. Yes, sir.

Q. Do you know whether he made any report on it to his superior officers?

A. I don't know.

Q. You are an Inspector. He would have a regular diary, would he not?

A. Yes, sir.

Q. And those diaries would be left with the Police Commission?

A. Yes, sir.

Q. Fine, thank you.

THE COMMISSIONER: Any questions, Mr. Brewin?

EXAMINED BY MR. BREWIN

Q. Just one question, officer. I gather that the reason Inspector Tomlinson was upset was really because someone in the Attorney General's Department intervened in the matter?

A. I don't know.

Q. Is that not what he indicated?

A. No, I think he seemed disturbed and upset that the procedure set into motion had been concluded so suddenly with no explanation that satisfied him. Who with I have no idea.

Q. All right.

MR. McKINNON: Q. Just one question I had forgotten. Do you know whether Inspector Tomlinson discussed this particular episode with anyone else in the department?

A. Not that I know of.

Q. Say, when you were present?

A. No, not that I know of.

Q. Can you recollect? Thank you.

THE COMMISSIONER: Any questions, Mr. Wilson?

MR. WILSON: No further questions.

THE COMMISSIONER: That is all, thank you, Inspector.

---Witness left the stand.

MR. WILSON: I call Mr. Speck.

R.W. Speck ...

ROBERT W. SPECK, Sworn

EXAMINED BY MR. WILSON:-

Q. You are the Reeve of the Township of Toronto?

A. Yes, sir.

Q. And you were elected to that office in December of 1959?

A. That is right, sir.

Q. Prior to that time you had first been elected to Council in 1956?

A. That is right, sir.

Q. And you were Deputy Reeve of the Township in the years 1957 and to the end of 1959?

A. That is correct, sir.

Q. You know of a club that has been described as the Centre Road Veterans Club in your Township?

A. I know of it, sir, yes.

Q. Did the Council which you have been a member of since 1956 ever have any complaints about the operations being carried on at that club?

A. Not to my knowledge, sir.

Q. Do you have a police commission in the Township?

A. No, sir.

Q. And how does the Council deal with the police administration?

A. They leave the administration of justice to the - at the discretion of the Police Chief,

Q. And who was the Chief of Police, Chief Constable in the Township in a period from 1951, say, through to the present time?

A. I believe it was Chief McGill in 1957. Since I have been connected with Council it has been Chief McGill since 1956.

THE COMMISSIONER: Is he presently Chief of Police?

A. Yes, sir.

MR. WILSON: Q. And I understand that you left the matter of policing the Township to the Chief Constable to control the officers under him in that work?

A. Yes, sir.

Q. And at any time since 1956 has he brought to the attention of Council any problems connected with the Centre Road Veterans Club?

A. No, sir, not to my knowledge, not directly to Council.

Q. Were you aware of the arrangements that had been made for the surveillance of such club from the period you first became a member of the Council in 1956, as between the Ontario Provincial Police and your own police force?

A. No, sir, I did not.

Q. And did you have - that is, when I say "You" - did Council have anything to do with the application that was made by Chief Constable McGill to the Deputy Provincial Secretary

asking that the Charter of this club be cancelled?

A. No, sir. It was completely in his discretion.

Q. So throughout the matter was left, from 1956 on, to the discretion of Chief Constable McGill?

A. Yes, sir.

Q. And at no time during that period did you have any complaints from any of the citizens about the operation of the club?

A. No, sir, not to my knowledge.

Q. I think that is all. Your witness.

EXAMINED BY MR. McKINNON

Q. I take it as a successful politician, Mr. Speck, you know what is going on in your own Township, don't you?

A. I would hope so, sir.

Q. And you were aware of this club?

A. Aware of a private club, yes, sir.

Q. Were you not aware that it was a gaming centre?

A. There were all kinds of rumours, sir. Nothing to substantiate it to my knowledge.

Q. Did you make any complaint yourself to the Police Chief?

A. I discussed it with the Police Chief as to the private club itself: did he have any

problems with it or any disturbances or what ---

Q. Is that all you were concerned with?

A. That is correct.

Q. Disturbances?

A. We didn't ---

Q. They could gamble all they wanted so long as they did not injure anyone?

A. We didn't discuss that matter, sir.

Q. As far as you were concerned, if the Police Chief was happy, that was satisfactory to the Township?

A. We lean fairly heavily on him.

Q. He is an employee of the Township?

A. That is correct.

Q. The Council can hire and fire him?

A. That is correct.

Q. Although you have discussed this particular club with him you did not make any suggestions as to closing it up or investigating it more fully?

A. I would have to depend on him, sir, how that would be done, if it was to be done.

Q. When did you have these discussions, in 1956?

A. I would think it would be probably 1958 or 1959.

Q. I see, so you were well aware of it by 1958 in any event?

A. Yes, sir.

Q. That is all, thank you.

EXAMINED BY MR. BROWIN:

Q. Mr. Speck, you did know, I take it then, that the Chief was very much concerned about this gambling Club, didn't you?

A. I understood that he had his men surveying this particular Club, yes, sir.

Q. I have a report -- I don't know whether it is accurate or not -- in November, 1959, he sent letters and pictures to the Prime Minister, the then Prime Minister Mr. Frost, to the Attorney General, to the Provincial Secretary, to Reeve Mary Fix of Toronto and to William Davis, the M.P.P. for Peel?

A. Yes, sir.

Q. Surely he informed you too of his concern?

A. I am sorry, sir, he did not.

Q. You were the Reeve of the Township?

A. I was not the Reeve in this time. I was not Reeve until 1960.

Q. You were then a member of the

Council?

A. I was Deputy Reeve.

Q. Deputy Reeve?

A. That's right.

Q. And was the matter not discussed by your Council at all?

A. No, sir, it was not.

Q. All right.

MR. WILSON: That is all.

--- The witness left the stand.

MR. WILSON: I will call Chief Constable McGill.

GARNETT McGILL, Sworn

EXAMINED BY MR. WILSON:

Q. You are the Chief Constable of the Township of Toronto?

A. Yes, sir.

Q. When did you first become Chief Constable?

A. In 1946.

Q. And at that time how many men did you have in your force approximately?

A. Four.

Q. And today how many have you got in your force?

A. Seventy-six.

Q. After you took office, Chief Constable, did you have anything to do with what was known, I think at the early years, as the Alpha Country Club?

A. I cannot recall all the times, but Inspector Tomlinson used to come to my office and quite often he would ask me for men to assist him in making a raid, or he would drop in in the evening and ask the Sergeant for a couple of men to assist him during the raid.

Q. Now, what was the arrangement as between your force and the O.P.P. as to the surveillance and raiding of any suspected

gambling establishments in the Township?

A. We were a very small department, Mr. Wilson, and Inspector Tomlinson used to advise me to leave the Clubs alone, don't bother them; that he had a staff, a competent staff who had trained to raid gambling places, and all he ever asked was assistance if he required it.

Q. Did you go along with that policy?

A. Yes, sir, I did.

Q. And is that true right up to the present time?

A. I just don't quite follow you.

Q. Is the same policy in force up to the present time?

A. Yes, fairly well.

Q. I think the first raid that I have knowledge of where a warrant was executed and charges were laid was in March of 1952. Did your force have any part in that particular raid?

A. I can't recall now, Mr. Wilson, whether they had or not.

THE COMMISSIONER: Let me see Exhibit 6, please.

MR. WILSON: Q. Then in the period from 1952 down to November of 1954, did your force take part from time to time in the raids that were made onthe premises of the Veterans Club on the Centre Road?

A A. Whenever it was requested by Inspector Tomlinson, if he requested assistance of one man or two men, three men, he always received that assistance and co-operation.

Q. Now, from the time you became Chief Constable down to the present day, have you received any complaints from any of the citizens in the Township of Toronto in regard to the operation of that Club?

A. No, sir.

Q. And we have been told by Mr. Speck that you operate without a police commission, and you answer to a committee of Council?

A. Yes, sir.

Q. Does that committee leave you a wide discretion in the manner in which you police the Township?

A. Yes, sir. They have never interfered in any way.

Q. What was the first time when any member of Council ever brought to your attention any question of the type of operation that was going on at the Centre Road Veterans Club?

A. It was in 1958, sir, I would say, I believe in November of 1958. Our present Reeve, Mrs. Mary Fix ---

A. Whatever it was happened
in Inspector Dunlavey's office, if he remembered
anything. If one man or two men, those men,
if they received that assistance and

Q. Now, from the time you perceived
that Commodore Brown to the gunboat dog, have
you received any complaints from any of the
officers in the Township of Jackson to report
to the operation of Inner Glass?

A. No, sir.

Q. And he have been told by me.

Thank that you otherwise without a notice
communication, and you answer to a committee of
Jackson?

A. Yes, sir.

Q. Have Mayor Dunkelberg there you
a wide discussion in the manner in which you
decline the Township?

A. Yes, sir. They have never
interfered in any way.

Q. When was the first time when
any member of Council came knocking to your
attention any question of the type of operation
of Inner Glass?

A. It was in April, sir, I notice now,
I believe to November of 1966. One person,
Jane, Mrs. Mary Pat ---

Q. Our present ;reeve? I thought we just had the present reeve. She was Reeve then?

A. Yes, sir, the then present Reeve, Mrs. Mary Fix, came into my office and in a rather joking manner told me that one of her constituents had asked her if the members or the operators of the Club situated on the Centre Road were contributing any money or had contributed any money to her election campaign. I believe that was the words that she related to me. She was rather annoyed, and yet she didn't know whether to tmat it as a joke or not.

Q. As a result of that information did you do anything about the matter?

A. Yes, sir, I did. I believe at that time, sir, that I -- I am not just sure whether I wrote to Inspector Clark -- I mean Commissioner Clark, and as a result of that Staff Sergeant Anderson and Constable Napolitano came to my office.

Q. Have you some record to fix the date?

A. No, sir, I have no record to fix the date. I cannot recall whether I discussed the matter with Mr. Grenville Davis, who was then the Crown Attorney and probably he wrote Commissioner Clark. I cannot recall which was done.

Q. Our previous record? I thought we just had one present move. She was there then?

A. Yes, sir, two then present there. Mary Fox, came into my office and in a rather jesting manner told me that one of her constituents had asked her if the members of the Opera Club attended on the [illegible] and I told her I contributed my money to her election campaign. I believe that was the words that she related to me. She was rather annoyed, and yet she didn't know whether to take it as a joke or not.

Q. As a result of that information did you do anything about the matter

A. Yes, sir, I did. I believe at that time, sir, that I -- I am not just sure whether I wrote to Treasurer Clark -- I mean Commissioner Clark, and as a result of that Certificates and Convertible Deposits came to my office.

Q. Have you come forward to file the same?

A. No, sir. I have no record to file two done. I cannot recall whether I discussed the matter with Mr. Granville Davis, who was then the Grand Secretary and previously Commissioner Clark. I cannot recall which was done.

Q. At all events, you say you did see Sergeant Anderson and Constable Napolitano?

A. Yes, sir.

Q. And what conclusions did you come to with them?

A. We discussed at that time the history of the Club and how we could raid the Club or successfully put it out of business. We discussed the way the Club was put out of business in Bertie Township, a Club that was operating there, and what methods we could utilize. At that time Sergeant Anderson agreed to co-operate with me in any way possible to put the Club out of business.

Q. Well, did you discuss any particular methods that you might use to achieve this result?

A. Yes, sir. It was in the winter at that time when he came out and Staff Sergeant Anderson and I discussed the idea of smashing the windows out of the Club. They were big glass windows put in steel frames or steel sash (whatever you wish to classify them) and I felt that if I stationed a man or two men at each window with a sledge hammer and a crowbar, that we could hit the steel frame and wreck the frames so bad that it would smash in the glass and take some time to take that steel frame out of the brick. In the interim if any windows were smashed, they would have to

close up.

Q. This was early 1959, I take it?

A. This was in 1958 when we first discussed this.

Q. I see, well, I thought this was after you had talked with Mrs. Fix?

A. Yes, sir, this was the first time that Sergeant Anderson and Napolitano came to my office. This was in 1958 after Mrs. Fix had came into my office.

Q. That would be late in 1958?

A. Yes, sir.

Q. Then did you carry out that plan?

A. No, sir.

Q. Did you hear anything about ---

THE COMMISSIONER: That is a good thing.

MR.WILSON: Q. Did you hear anything about that proposal from any other source following that meeting?

A. Yes, sir. I would say in December of 1958 (I cannot fix the dates right) on a Sunday afternoon at approximately two o'clock a chap by the name of Jack Maffradie came to my home and we stood in the doorway just inside the front door and we talked. He told me at that time (I will try to recall the words as best I can): "I understand you are going to take some action against the Club or that you intend to take some action against

the Club", and I said "Yes". He said, "Have you ever had complaints" and I said not actual complaints from such persons as the ministerial association or anyone, but there were always sniping or snide remarks passed, and at one time we felt that a chap had committed suicide as the result of being to that Club, but there was never any proof.

He said, "Well, nothing ---" I believe the words were "Nothing will make you change your mind" and I said, "No, nothing". So he said, "Well, if you ever want to get into that Club, Chief," he said, "You don't need crowbars and sledge hammers to force your way in, but you can get in without using those."

I was rather surprised that he mentioned specifically crowbars and sledge hammers because I had only discussed it with those two men and no one else.

He offered me some -- I believe it was a case ofCrown Royal" , a case of Scotbh and a case of rum or something like that; and at that time I advised him to get out, that I would not even take the light of a cigarette off him, or something, and he got out.

The following Sunday he came back about the same time. My wife and family were out at that time and he came in and I asked him what he wanted and he said: "Well, Chief, it's no

use fooling us. You are still going to take action against the Club" and I said, "Yes". He said: "You won't change your mind?". I said, "No". "Nothing will make you change your mind" and I said, "No" and he said: "Well, it's no use of us -- we are full grown men -- it's no use of us kidding ourselves. You know as well as I know that they are gambling up there" and I said"Yes, that's right". So he said something else -- I forget now -- and I said, "Well, I think you had better go on about your business. You came to my house and I don't want to throw you out but I would just as soon that you left".

At that time he repeated the offer about the whiskey and the same conversation went on and he left, and I never saw himsince.

Q. Just one point there possibly before the Commissioner considers an adjournment. What is the first name of that Laffradie?

A. Jack.

Q. Jack?

A. Yes, sir.

Q. Is he brother of Angelo Laffradie?

A. To my understanding he is.

Q. And was Angleo Laffradie one of the three persons who were charged along with Vincent Feeley and H. Chappell in March of 1952 as keepers of a common gaming house at the Centre

Road Veterans Club?

A. It is my understanding, sir.

Q. Although at that time it was known as the Alpha Club?

A. Yes, sir.

MR. WILSON: I am going to be a bit longer with this witness.

THE COMMISSIONER: All right, adjourn till ten o'clock tomorrow morning.

--- Whereupon the hearing adjourned at 5.04 p.m. until 10.00 a.m. tomorrow morning, Wednesday, March 28th, 1962.

FILE COPY

VOLUME NO.-- 4

ROYAL COMMISSION ON CRIME

Wed., March 28, 1962.

Pp. 514 - 770

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

KENNETH H. BROWN and JAMES T. GOW, Trustees, on behalf of themselves and all other Shareholders of Beleggings-Societeit, N.V., and the said BELEGGINGS-SOCIETEIT, N.V., as represented by the said Kenneth H. Brown and James T. Gow,

Plaintiffs,

- and -

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Huijsmans,

Defendants.

TRANSCRIPT OF ARGUMENT ON APPEAL

Date

Pages

Supreme Court Reporters
145 Yonge Street
TORONTO

INDEX OF WITNESSES

		Page No.
GARNET McGILL, recalled	By Mr. Wilson	515
	Mr. MacKinnon	551
	Mr. Brewin	589
	Mr. Wilson	604
HAROLD HOPKINS GRAHAM	Mr. Wilson	605
	Mr. MacKinnon	655
MISS RUTH ABBOTT	Mr. Wilson	674
ROBERT W. SPECK, recalled	Mr. Wilson	677
	Mr. MacKinnon	682
	Mr. Brewin	690
CYRIL CLARK	Mr. Wilson	698
	Mr. MacKinnon	711
	Mr. Wilson	766

---oOo---

INDEX TO EXHIBITS

No.	Page	Description
20	517	Letter dated March 9, 1959, from Sergeant J. M. Anderson to Chief Constable G. L. McGill.
21	518	Letter dated March 10, 1959, from Sergeant J. M. Anderson to Chief Constable G. L. McGill.
22	525	Letter dated March 19, 1959 to R. J. Cudney from G. McGill.
22A	525	Letter dated March 24, 1959, from R. J. Cudney to G. McGill.
22B	525	Copy of a letter dated March 26th 1959 from G. McGill to R. J. Cudney.
23	527	Copy of a letter from G. McGill March 26th 1959, with summary of history of Centre Road Veterans Club attached.
24	534	Copy of letter dated 28 October, 1959, from G. McGill to R. J. Cudney.
25	536	Letter dated November 5, 1959 addressed to G. McGill from Leslie M. Frost.
26	538	Copy of letter dated November 10, 1959 from G. McGill to Leslie M. Frost.
27	546	Letter dated February 2nd, 1960, Mr. Cudney to Chief McGill, and copy of letter to Mr. Herman attached.
28	548	Transcripts of hearing before Deputy Provincial Secretary on February 11 and 17, 1960, re Centre Road Veterans Club.
29	550	Copy letter dated 16 May, 1960, Chief McGill to Mr. Cudney and Mr. Cudney's reply dated June 14, 1960.
30	557	Statement dated May 12, 1961, Chief McGill to Inspector Graham.

Cont'd/.....

INDEX TO EXHIBITS (11)

No.	Page	Description
31	615	Police diary of H. H. Graham for the year 1960.
32	619	Police diary of H. H. Graham for the year 1961.
33	630	Sheet extracted from personal diary of H. H. Graham with the date July 5th, 1960.
34	649	Police diary of Inspector Tomlinson for 1954.
35	649	Police diary of Inspector Tomlinson for 1955.
36(a)	650	Annual report of the Commissioner of the Ontario Provincial Police covering the period January 1, 1952 to December 31, 1952.
36(b)	650	Annual report of the Commissioner of the Ontario Provincial Police covering the period January 1, 1953 to December 31, 1953.
36(c)	651	Annual report of the Commissioner of the Ontario Provincial Police for period January 1 1954 to December 31, 1954.
36(d)	651	Annual report of the Commissioner of the Ontario Provincial Police for period January 1, 1955 to December 31, 1955.
	654	Excerpt from the report of the Commissioner of the Ontario Provincial Police fof the year 1955 with respect to the Anti-Gambling Branch.
36(e)	651	Annual report of the Commissioner of the Ontario Provincial Police for period January 1 1956 to December 31, 1956.
36(f)	651	Annual report of the Commissioner of Ontario Provincial Police for period January 1, 1957 to December 31, 1957.

Cont'd/....

No.	Item	Description
81	819	Motion Entry of D. D. Denied for Lack of Power [sic].
82	820	Motion Entry of D. D. Denied for Lack of Time [sic].
83	821	Order Entered Overruling Motion to Strike Out Part of D. D.'s Answer [sic].
84	822	Motion Entry of D. D. Denied for Lack of Time [sic].
85	823	Motion Entry of D. D. Denied for Lack of Time [sic].
86(a)	824	Journal Entry of the Overruling of the Motion for Judgment on the Pleadings [sic].
86(b)	825	Journal Entry of the Overruling of the Motion for Judgment on the Pleadings [sic].
86(c)	826	Journal Entry of the Overruling of the Motion for Judgment on the Pleadings [sic].
87(a)	827	Journal Entry of the Overruling of the Motion for Judgment on the Pleadings [sic].
87(b)	828	Journal Entry of the Overruling of the Motion for Judgment on the Pleadings [sic].
88	829	Motion Entry of D. D. Denied for Lack of Time [sic].
89	830	Motion Entry of D. D. Denied for Lack of Time [sic].
90	831	Motion Entry of D. D. Denied for Lack of Time [sic].

INDEX OF EXHIBITS (iii)

No.	Page	Description.
36(g)	651	Annual report of the Commissioner of the Ontario Provincial Police for period January 1, 1958 to December 31, 1958.
36(h)	651	Annual report of the Commissioner of the Ontario Provincial Police for period January 1, 1959 to December 31, 1959.
36(i)	651	Annual report of the Commissioner of the Ontario Provincial Police for period January 1, 1960 to December 31, 1960.
37	725	Sergeant Andrew's diary for the year 1960.

/RJH/1

WEDNESDAY, MARCH 28, 1962

---On resuming at 10.05 a.m.

THE COMMISSIONER: Yes, Mr. McGill?

MR. WILSON: I want to recall Constable McGill, but before that, there was evidence yesterday about a Miss Ruth Abbott, who was said to be a court reporter.

THE COMMISSIONER: Yes?

MR. WILSON: At Brampton, in November of 1954.

THE COMMISSIONER: Yes.

MR. WILSON: I have spoken to her. She says that she recollected some hearing where Mr. Gardiner appeared. But, the only hearing we know where Mr. Gardiner appeared, was in 1952, and she said, "Well, I have no recollection of any hearing where Mr. Gebirtig or any other counsel appeared in connection with the Club". So, I would be glad to produce her and have her examined by my friends.

MR. MacKINNON: I understood that Mr. Davis's evidence was that he called her, and she told him that she had destroyed her notebooks, which I do know happens with court reporters.

MR. WILSON: I don't know the lady, but I would say probably she had better come forward and tell her story.

THE COMMISSIONER: I think she had better come down here and tell her story and give her

own evidence.

MR. WILSON: Very well, then. I now call Chief Constable McGill. I think Miss Abbott must be an elderly spinster.

GARNET McGILL, recalled,

THE COMMISSIONER: You are still under oath, Mr. McGill.

THE WITNESS: Yes, sir.

EXAMINATION BY MR. WILSON CONT'D:

Q. Yesterday at the adjournment we were talking about some meetings you had with John or Jack Laffrede, and what happened after that time so far as the activities of your force with relation to the Centre Road Veterans Club?

A. That was in 1958 when those meetings took place. I believe it was in December of 1958, the meetings with Jack Laffrede. I was rather surprised that he could repeat to me about what was said about the thoughts on the sledgehammers, and the crowbars, and as I had told no one in my department, I did not know what to do at that time, because Anderson and Napolitano were the only two that

I had discussed it with. I took no action at that time until I made some inquiries about Anderson and Napolitano, and later -- if I could refer to my notes?

Q. Yes, certainly, certainly.

THE COMMISSIONER: Excuse me for a moment.

MR. WILSON: Q. Now, have you found your notes?

A. Yes, sir. On February the 27th, 1959, I wrote a letter to Staff Sergeant Anderson requesting that he forward to me the history of the Vets Club in Toronto Township, starting in the year 1951, and on March the 9th, 1959, he forwarded to me the history.

THE COMMISSIONER: Have you got it?

THE WITNESS: Yes, sir.

THE COMMISSIONER: What date did he reply?

THE WITNESS: He replied on March the 9th, 1959.

MR. WILSON: The document which you have is the letter he forwarded to you?

A. Yes, sir.

Q. It is a letter dated March the 9th, 1959, from Sergeant J.M. Anderson to Chief Constable G.L. McGill. And it is just a brief chronology of what police activity there had been with relation to the Club?

A. Yes, sir.

Q. Over the years 1951 to 1957?

A. Yes, sir.

I had dismissed it with: I knew no action to
take then except I made some inquiries about
another bo of mine? and later -- at I would
[illegible]

S. [illegible]

Mr. Chamberlain: Excuse me a moment.

Mr. Kilmuir: S. Mum, have you found your
[illegible]

S. Yes, sir. On Monday the 21st,
-ing. I wrote a letter to Chief Superintendent
requesting that he forward to me his history of
the case from 1953 and he [illegible] now. He
forwarded to me his History.

Mr. Chamberlain: Have you got it
[illegible]

Mr. Chamberlain: What does it be saying?

[illegible]

Mr. Kilmuir: The document with you have
in the letter he forwarded to you?

S. Yes, sir.

Q. It is a letter dated the 26th,
[illegible] Does [illegible] be that
Constable G.C. did not? And is he also a Police
Officer with more Section certainly there not
been with [illegible]

A. Yes, sir.

Q. [illegible] Does [illegible]

Mr. Kilmuir: Does [illegible]

S. Yes, sir. On Monday the 21st,
-ing. I wrote a letter to Chief Superintendent
requesting that he forward to me his history of
the case from 1953 and he [illegible] now. He
forwarded to me his History.

Mr. Chamberlain: Have you got it
[illegible]

Mr. Chamberlain: What does it be saying?

[illegible]

Mr. Kilmuir: The document with you have
in the letter he forwarded to you?

S. Yes, sir.

Q. It is a letter dated the 26th,
[illegible] Does [illegible] be that
Constable G.C. did not? And is he also a Police
Officer with more Section certainly there not
been with [illegible]

A. Yes, sir.

Q. [illegible] Does [illegible]

Mr. Kilmuir: Does [illegible]

MR. WILSON: That will be Exhibit No. 20.

THE COMMISSIONER: Yes.

---EXHIBIT NO. 20: Letter dated March 9, 1959, from Sergeant J.M. Anderson to Chief Constable G.L. McGill.

MR. WILSON: Q. Now, up to that time, as I understand it, you had left the surveillance of the Club premises to the Ontario Provincial Police?

A. Yes, sir.

Q. And this was the first time that you took an active interest in the Club as Chief Constable of the Township of Toronto?

A. Yes, sir.

Q. Now then, what further steps did you take?

A. On March the 10th, I received a letter from Staff Sergeant Anderson in relation to the letters patent for the Club.

Q. Now, you are producing a letter of March 10th, 1959, from Sergeant J.M. Anderson to Chief Constable G.L. McGill, and it gives particulars of the issue of the letters patent for the Centre Road Vets Association, for July of 1957, the applicants being Lincoln Henry Turner, John Pleschuk and Thomas John McKay. And then it sets out the objects of the Club as they appeared in the charter, and that will be Exhibit 21.

---EXHIBIT NO. 21: Letter dated March 10, 1959, from Sergeant J.M. Anderson to Chief Constable G.L. McGill.

MR. WILSON: Q. And then what steps did you take after that time?

A. On March the 19th, 1959, I wrote to Mr. R.J. Cudney, Deputy Provincial Secretary, Parliament Buildings, Toronto.

THE COMMISSIONER: Q. What date?

A. March the 19th, 1959, and asked if he would forward to me a certified copy of the charter, issued in the name of the Centre Road Vets Association. This application was made by Lincoln Henry Turner, John Pleschuk and Thomas John McKay, and on March 24th, 1959, I received a letter from the Deputy Provincial Secretary's office, under the above name of Grace C. Dunsford, recruiting officer, stating that they were complying with my request.

Q. Well, did they subsequently comply with your request?

A. Yes, sir.

Q. And you received a copy of the letters patent?

A. Yes, sir.

Q. About what time did you receive that?

A. March the 24th, sir.

Q. Then --

THE COMMISSIONER: Received what?

A. A copy of the letters patent of the Centre Road Veterans Association.

MR. WILSON: Yes.

THE COMMISSIONER: That came with the letter of March the 24th?

A. Yes, sir.

MR. WILSON: I thought he said -- it was enclosed in that letter you have just referred to?

A. Yes, sir.

Q. Now, having got the copy --

THE COMMISSIONER: You had better get these in as exhibits.

MR. WILSON: You want these in as exhibits?

THE COMMISSIONER: Yes. Make them one exhibit.

MR. WILSON: Have you got the charter?

A. No, sir, I have not.

(Page 525 follows)

Derby and Derwent Assurance.

Mr. Wilson. You.

The Commissioner. Then come with the Jurors at twelve for three?

A. Yes, sir.

Mr. Wilson. I shouldn't be sorry -- It was mentioned in that letter you have just returned but

A. Yes, sir.

Q. Now, having got the copy --

THE COMMISSIONER. You had better put those in as exhibits.

Mr. Wilson. The next thing is my exhibit; the insurance. Yes, those tenders.

Mr. Wilson. Have you got the clerk's?

A. No, sir, I have not.

(Time 3.5 minutes)

Q. What became of the charter?

A. I forwarded it to Mr. Davis, Mr. William Davis.

Q. Who is Mr. William Davis?

A. Mr. William Davis is the M.P.P. for the County of Peel.

Q. And when - when did you forward that to Mr. Davis?

A. On March the 26th, 1959.

THE COMMISSIONER: Well, let's get the other.

MR. WILSON: Possibly we better get those two in.

THE COMMISSIONER: Get the exhibit first, the letter of March 19th and the 24th attached. Make them Exhibits 22A and B.

---EXHIBIT NO.22: Letter dated March 19th, 1959 to R.J.Cudney, from G.McGill.

---EXHIBIT NO. 22-A: Letter dated March 24th, 1959, from R.J.Cudney to G.McGill.

---EXHIBIT NO. 22-B: Copy of a letter dated March 26th, 1959 from G.McGill to R.J.Cudney.

MR. WILSON: Now, your letter -- --

THE COMMISSIONER: Just a moment, Mr. Wilson.

MR. WILSON: You are now producing a copy of a letter of the 26th of March, 1959, from

Q. What became of this country?

A. I forwarded it to Mr. Davis.

Mr. William Davis.

Q. Who is Mr. William Davis?

A. Mr. William Davis is the

R.P.P. for the County of Ikeal.

Q. And when - when did you forward

that to Mr. Davis?

A. On March the 26th, 1850.

THE COMMISSIONER: Well, let's get the

Prior.

MR. WILSON: Possibly we better put

those two in.

First, the letter of March 12th and the 26th

attached. Make them Exhibits 25A and B.

Letter dated March 12th, 1850 to R.J.Cooney, from G.Smith.

Copy of a letter dated 26th March, 1850, from R.J.Cooney, to G.Smith.

Copy of a letter dated March 26th, 1850 from G.Smith to R.J.Cooney.

MR. WILSON: Now, your letter -- --

THE COMMISSIONER: Just a second, Mr. Wilson.

MR. WILSON: You are now producing a

copy of a letter of the 26th of March, 1850, from

yourself, and addressed to Mr. William G.Davis, Court house, Brampton, Ontario:

"Dear Mr. Davis:

" Further to our telephone "conversation of Wednesday, March 25th, "1959, I am enclosing a certified "copy of the charter issued to the "Centre Road Veterans Club, and a "short history of the action taken "by the Anti-Gambling Division of "the Ontario Provincial Police, and "this Department. I wish to point "out that we have received excellent "cooperation from the Ontario "Provincial Police. Will you please- -"

And I think the next word should be note, it is spelled n-o-t:

"note the last three paragraphs of "the charter re section 168 Criminal "Code, inspection by police and "fire officers, and the members "shall be 95 per cent war veterans.

" When you are through with "this charter will you return same to "me. Thanking you in advance for "your consideration of this matter."

And attached to that is a - is a summary of the history of the club from 1951 to 1958, which I possibly do not need to read, and that will

be Exhibit No. 23.

---EXHIBIT NO.23: Copy of letter from G.McGill to William Davis, dated March 26th, 1959, with summary of history of Centre Road Veterans Club attached.

MR. WILSON: Willyou give Mr. Registrar that document? Thank you.

Now, what was the purpose of writing this letter to Mr. Davis?

A. Well, Mr. Davis had received the nomination, I believe, atthat time for the Conservative Party for the County of Peel, and I had discussed this club with him, and also with his father. I know that his father, Mr. Grenville Davis, had felt that this club was a thorn in his side, the same as it was in mine, for many years, and that it was hoped that some action could be taken to expedite perhaps a hearing, or submitting some evidence at Queen's Park that would bring this matter to their attention, and perhaps the charter could be revoked.

Q. And it was for that reason that you were giving those particulars to Mr. Davis?

A. Yes, sir.

Q. Yes. Now, I believe Mr. Davis was elected in June of that year?

A. Yes, sir.

Q. That would be June 11th, 1959?

A. I believe that is right, sir.

Exhibit No.134 Copy of letter from C.Merrill to William Davis, dated March 28th, 1899, with Secretary of Almighty Be Quarry Lead Fissures Club attached.

Q. Now, what was the purpose of writing this letter to Mr. Davis?

A. Well, Mr. Davis had received the nomination, I believe, eleven ting for the Congressional party for the County of Peel, and I had discovered this club with him, and also with his father. I knew that Mr. Granville Davis, had felt that this club was a thorn in his side, the same as it was in mine. For many years, and that it was hoped that some action could be taken to expunge perhaps a haunting, or annoying some evidence at Queen's Park that would bring this matter to their attention, and perhaps the matter could be resolved.

Q. And it was for that reason that you were giving those particulars to Mr. Davis?

A. Yes. Now, I believe Mr. Davis was elected in June of that year?

A. Yes, Mr.

Q. June would be June 11th, 1899.

A. I believe that is right, etc.

Q. And what assistance, if any, did you get from Mr. Davis in trying to deal with this problem of this club?

A. I believe Mr. Davis went to Mr. Cudney, and asked what would be necessary to have a hearing before him, and to see if the charter could not be revoked, and possibly to expedite a hearing if the necessary evidence was submitted.

Q. Well, did he report this to you?

A. Yes, sir.

Q. Yes, and what activity took place at this club during the summer of 1959?

A. We didn't take any further action until September.

Q. Well, what I want to know is not your action, but was there any great activity at the club during the summer of 1959?

A. No, there didn't appear to be, sir. It was the summertime, and the officers when passing used to glance in, but they didn't see many cars, or much activity during the summer.

Q. Well, then, what - what steps did you take in the fall of 1959?

A. Well, not that - -

Q. Dealing with what your force did? Did your force do anything in the fall of 1959?

A. No, no action during the summer

of 1959, only on spot surveillances.

Q. Well, did your Force participate in any raids in the fall of 1959?

A. Yes, in the fall of 1959, they did.

Q. On what occasions?

A. I have a record here, sir, that - -

Q. If you would step back, or push that a little bit further away from you, it will be better. That is about right.

A. On October 10th, 1959, at 1:15 a.m., I have a report here of a raid that was carried out on the premises of the Centre Road Vets Club.

THE COMMISSIONER: By whom? Your Force?

A. By Staff Sergeant Anderson of the Ontario Provincial Police, and two members of the Ontario Provincial Police, Corporal Roller - and Corporal Roller - -

THE COMMISSIONER: Just two?

A. Yes, sir, and Inspector Robinson.

THE COMMISSIONER: How do you spell Roller?

A. R-o-l-l-e-r, and Inspector Charles Robinson of the Toronto Township Police Department, and four members of my department.

MR. WILSON: Well was that the only

raid your Force participated in in the fall of 1959?

A. No, it is not. I believe there was one earlier and one later, but I have - I haven't those records here.

Q. No. Well, was any evidence obtained whichwarranted any prosecution?

A. No, sir, no evidence was obtained that warranted prosecution.

Q. Well, then, what - - -

A. But - - -

Q. what step did you take next?

A. Well, Corporal Roller is of the Identification Branch, and he took quite a number of photographs at that time of the interior and exterior of the Yets Club, under the direction of Sergeant - Staff Sergeant Anderson. He took pictures of the first - they first - -

THE COMMISSIONER: Well, those pictures are available, aren't they?

MR.WILSON: Yes. They were all introduced later at the hearings, were they not?

A. Yes, sir.

Q. Yes.

THE COMMISSIONER: Well, you - I have seen copies, you have seen copies, why not get them in now as exhibits?

MR. WILSON: Have you the pictures or - -

A. No, I have no more.

THE COMMISSIONER: The Provincial Police have them.

MR.WILSON: Well, we will get them, Mr. Commissioner.

THE COMMISSIONER: Instead of him reading what the photographs show, put the photographs themselves in.

MR. WILSON: Yes.

THE COMMISSIONER: You were about to read what the photographs showed?

A. Yes, sir.

THE COMMISSIONER: Well, read it, if you like, or put the photographs in.

MR. WILSON: Can't you just briefly tell us what the pictures were?

THE COMMISSIONER: Well, it was a matter of just which is the quickest way.

A. Well, briefly, sir, they arrived at the premises, took a note of the time it took to get in the door, the type of door, and then the way up the stairs into the upstairs rooms, and the doors there, the type of locks, and photographs of the inserior downstairs and upstairs.

Q. Yes.

A. And these were submitted, the pictures, in a brief prepared by me, and submitted to Mr. R.J.Cudney, Deputy Provincial Secretary on the 28th day of October, 1959.

on the 29th day of October, 1789.

MR. WILSON: Q. And have you a copy of the letter you wrote to Mr. Cudney on that date?

A. Yes, sir.

Q. You are producing a copy of a letter from yourself to R.J.Cudney, Deputy Provincial Secretary, dated the 28th of October, 1959, and reading - it is re Centre Roads Yets Club:

"1. With reference to the above "mentioned club, I am submitting the "following facts for your information, "and strongly recommend that the "charter for this club be cancelled "forthwith."

And then, on the following six pages you set out the reasons why you consider the charter should be cancelled, and you sent an - attached to that you have listed the persons associated with the club, with some information as to their occupation, and they number in all some 48 names?

A. Yes, sir.

Q. Now who are the 48 persons who are attached as a schedule to that letter?

A. There were the names of persons that were at the club at the time of the raid.

Q. Of the raid of October 10th, 1959?

Q. Mr. Wilson. Did they [illegible]

of the letter you wrote to Mr. Conway on June

[illegible]?

A. Yes, sir.

Q. You are producing a copy of

a letter from yourself to U.C.Conway, Esquire,

Presidential Secretary, dated the 11th of October,

1939, and reading - it is to Centre Woods Vets

Club:

"I. With reference to the above

mentioned club, I am submitting the

following facts for your information.

"and strongly recommend that the

"charter for this club be cancelled

"forthwith."

And then, on the following six pages

[illegible] the reasons why [illegible] the charter

should be cancelled, and you sent me - attached

to that [illegible] the petition heretofore

with the club, with some information as to

their composition, and they number in all some

61 members?

A. Yes, sir.

Q. Can you give us the names

who are attached as a committee to that letter?

A. There were the names of persons

that were at the club at the time of the raid.

Q. Of the raid of October 11th,

A. Yes, sir.

Q. And I shall put this copy - -

THE COMMISSIONER: It was October 10th.

MR. WILSON: October the - -

THE COMMISSIONER: He said the raid was in October - at least I understood him to say there was a raid on October 10th.

MR. WILSON: I had taken it down as the 10th.

THE COMMISSIONER: Yes.

THE WITNESS: Yes, sir.

THE COMMISSIONER: You just said now the persons which were at the raid on October 5th.

MR. WILSON: I am sorry if I said the 5th. It was the 10th. The 10th appears in the letter. I see the copy of the letter indicates that copies were sent to the Honourable Leslie M.Frost, the Honourable Dr. MacKinnon Phillips, and the Honourable A.Kelso Roberts, William Davis, M.P.P., Mrs. Mary Fix, Reeve, Township of Toronto, Mr. H.Metcalfe, Crown Attorney, County of Peel, Commissioner Clark, Ontario Provincial Police?

A. Yes, sir.

Q. And were copies of this letter in fact sent to those people?

A. Yes, sir.

MR. WILSON: That will be Exhibit number - -

THE REGISTRAR: 24.

MR. WILSON: 24.

---EXHIBIT NO.24: Copy of letter dated 28th of October, 1959, from O.McGill to R.J.Cudney.

MR. WILSON:

Q. Now, did you do this on your own initiative?

A. Yes, sir, I did.

Q. In other words, you didn't consult the Committee of Council before you took this step?

A. No, sir, I didn't.

Q. Or anything else you did during 1959 leading up to the writing of this letter?

A. No, sir.

Q. Then, did you get any reaction from this letter?

A. Yes, sir. I received a reply from Mr. Frost. I have the letter here, of November - November the 5th, 1959, addressed to me, signed Mr. Leslie M.Frost.

Q. The letter is a letter of November 5th, 1959, from the then premier to Mr. McGill:

"Dear Mr. McGill:

"Your letter addressed to me under "date of October 28th with reference "to the Centre Road Vets Club and "marked personal is at hand."

"I am assuming that this letter is "marked personal in order to draw

"it to my attention. The same
"was sent to me at Lindsay. I
"would gather, however, from the
"purport of the letter that you
"desire the same to be a public
"document. I note that at the
"conclusion of your letter you say
"under these circumstances, we
"would ask you to advise us at your
"earliest convenience of the date
"of the cancellation of these
"Letters of Patent by the Lieutenant-
"Governor so that this Force can
"take appropriate action.
"Under these circumstances I am
"not regarding this matter as
"being a personal letter in the
"ordinary sense, but in fact a
"public document in which you,
"as Chief of Police, are making
"a formal complaint against the
"above Club. You might advise me
"at once if this is in line with
"your thinking, as I propose to
"hand the letter and all of the
"enclosures over to the Attorney-
"General, and the Provincial
"Secretary for action.
"Would you please advise me at once.
"Sincerely yours,"

That will be Exhibit number - -

THE COMMISSIONER: 25.

MR. WILSON: Yes.

---EXHIBIT NO.25: Letter dated November 5th 1959, addressed to G.McGill from Leslie M.Frost.

MR. WILSON: Now, did you have any further correspondence about the matter?

A. I replied to - I replied to Mr. Frost immediately.

Q. You are now producing a copy of a letter of the10th of November, 1955, from yourself to the Honourable Leslie M. Frost - -

THE COMMISSIONER: 1959, you mean?

MR. WILSON: 1959.

"I wish to acknowledge with thanks "receipt of your letter of the 5th "of October, in reply to my submissions of October 28th, 1959."

I will query that. That is possibly an error?

A. That was an error.

MR. WILSON: The letter was - -

THE COMMISSIONER: November.

MR. WILSON: November the 5th, from the premier.

MR. MacKINNON: What is the date of this letter?

MR. WILSON: This letter is dated the 10th of November, 1959, and I will repeat that first paragraph, making the change that you suggest should be made.

"I wish to acknowledge with thanks "receipt of your letter of the 5th of "November, in reply to my submissions "of October 28th, 1959, concerning "the Centre Road Vets Club. You "are quite correct in assuming that "this submission was marked personal "to be sure it gained your attention. "I feel, however, that the various "documents should beconsidered public "in view of the fact that this matter "concerns the general public, with "particular emphasis on this area. "It was my intention to make a formal "complaint against the above club, "and I would appreciate your forwarding "the letter and the enclosures to "the appropriate officials for their "early attention and appropriate "action. I would much appreciate "your assistance and the cooperation "in seeing that this matter is followed "up. With many thanks for your "cooperation."

And you sent a copy of that letter to Mr. William

Mr. Wilson: This letter is dated the
[illegible] of November, 1929, and I will repeat that
first paragraph, making the change that you
suggest should be made.

"I wish to acknowledge with thanks
"receipt of your letter of the 25th of
"November", in reply to my suggestions
"of October 22nd, 1929, concerning
"the Centre Road Vets Club. You
"are quite correct in assuming that
"[illegible] own personal
"to be sure it gained your attention.
I feel, however, that the various
documents should be considered public
"in view of the fact that this matter
"concerns the general public, with
"particular emphasis on this area.
"It was my intention to make a formal
"complaint against the above club.
"and I would appreciate your forwarding
"the letter and the enclosures to
"the appropriate officials for their
"early attention and [illegible]
action. I would much appreciate
your assistance and [illegible] cooperation
"in seeing that this matter is followed
"up. With many thanks for your
cooperation."

And you sent a copy of that letter to Mr. William

Davis, M.P.P.?

A. Yes, sir.

THE REGISTRAR: 26.

---EXHIBIT NO.26: Copy of Letter dated November 10th, 1959, from G.McGill to Leslie M.Frost.

MR. WILSON: Then, was there any further correspondence at that stage?

A. No, sir, not at that stage.

Q. Yes. Well, now, just tell us what happened?

A. - - I didn't receive any other replies to the brief that I forwarded with the exception of the letter from Mr. Frost.

On February the 2nd, 1960, I received a letter from Mr. R.J.Cudney, Deputy Provincial Secretary, and he stated that he would advise that on January the 27th he wrote a letter to the above corporation, referring to the Centre Road Veterans Association, advising that one week from the date thereof, the Letters Patent would be cancelled, and a copy of this letter is enclosed, and he points out - he points out the date of a hearing.

(Page 545 follows)

Navia, M.C.A.P.

A. Yes, sir.

THE Commissioner: Mr.

Copy of letter dated December 12th, 1969, from G.Morris to Amelia M.Pross.

Further correspondence as that shows?

A. No, sir, not at that stage.

Q. Yes. Well, now, just tell us

A. - - I didn't receive any other

replies to the belief that I forwarded with the

application on the Latest Pros -, Navia.

On February the 2nd, 1970, I received

a letter from Mr. T.A.Hanley, Deputy Provincial

Secretary, and he stated that he would advise

that on January the 27th he wrote a letter to

the above corporation, referring to the Canada

Head Veterans Association, advising that one

week from the date thereof, the letters Patent

would be cancelled, and a copy of this

letter is enclosed, and he points out - he

points out the date of a hearing.

(Page 345 Follows)

Take C

Q. He also states in this letter -- possibly I should read it -- this letter of February, 1960 from Mr. Cudney to yourself:

"I would advise that on January 27th "I wrote a letter to the above "corporation advising that one "week from the date thereof the "Letters Patent would be cancelled. "A copy of this letter is enclosed.

" I have now received a "telephone call from Mr. Louis "Herman, Q.C., solicitor for the "Club, requesting that a hearing "be held on the matter before the "Letters Patent are cancelled.

" Under the law, the Club is "entitled to a hearing, and I "cannot deny them this right.

" Accordingly, I would advise "that a hearing will be held at my "office in the Parliament Buildings "on Thursday, February 11th at "10.00 a.m., to hear all persons "interested in the matter. I would "be very pleased if your officers "could attend this hearing."

Then attached to that is a copy of Mr. Cudney's letter to Mr. Louis Herman of January 27th,

1960, addressed to him in his capacity as solicitor of the Centre Road Veterans Association.

--- EXHIBIT NO. 27: Letter dated February 2nd, 1960, Mr. Cudney to Chief McGill, and copy of letter to Mr. Herman attached.

Q. Following receipt of that letter from Mr. Cudney, were hearings held before Mr. Cudney in his office at the Parliament Buildings?

A. Yes, sir, on Thursday, February 11th, 1960.

Q. And was there more than one hearing? Did it all take place on one day or was there more than ---

A. No, sir. I believe it took place on -- there was one on February 11th.

Q. I suggest to you maybe it was February 17th, or are they both those, February 11th, February 17th?

A. That is quite right, sir.

Q. Then was there an adjournment from February 17th to February 29th?

A. I believe there was, sir.

Q. And I take it that you and your officers gave evidence at that time?

A. Inspector Robinson gave evidence. I did not give evidence, sir. Inspector Robinson gave evidence along with

Staff Sergeant Anderson and Inspector Walker, Metropolitan Toronto Police Department, and I just forget who else.

THE COMMISSIONER: Napolitano?

A. I cannot remember, Mr. Commissioner.

Q. Have you a transcript of the proceedings?

A. Yes, sir.

Q. That will show you who gave evidence. Let me see it. I am more familiar with those things than you are. Not a very good copy. There is Farrow and Anderson, Charles Robinson, Inspector Walker, William Laffrede. Is there another volume?

A. Yes, sir.

Q. Angelo Laffrede, J.P.MacNamara and S. Napolitano.

Are you putting in that transcript as an exhibit?

MR. WILSON: Mr. Cudney is going to be called, and possibly when he is in the box we can identify the transcript. He presided over the hearing.

THE COMMISSIONER: Well, mark it for identification.

MR. WILSON: Yes, I can mark it for identification. The only thing about it, that I have the transcript of the hearings on February 11th and February 17th, but I notice at the conclusion of the second

hearing it says "Adjourned to Monday, February 29th, 1960".

THE COMMISSIONER: Well, the witness has a transcript of the whole proceedings, doesn't he?

MR. WILSON: I think not. He doesn't know what happened after the 17th.

THE WITNESS: I don't know, sir.

MR. WILSON: I file as an exhibit the transcript in the hearing "In the Matter of the Corporations Act, 1953, Section 325 (1) re Centre Road Veterans Club, before the Deputy Provincial Secretary, R.J.Cudney, Esq. Q.C., Chairman on February 11th, February 17th, 1960."

--- EXHIBIT NO. 28: Transcripts of hearing before Deputy Provincial Secretary on February 11 and 17th, 1960, re Centre Road Veterans Club.

MR. WILSON: Q. What was the outcome of this hearing before Mr. Cudney?

A. I received no information ---

Q. Just a minute.

A. I received no reply from Mr. Cudney, and I wrote him a letter on the 16th day of May.

Q. You are producing a copy of letter from yourself to Mr. Cudney dated 16th May, 1960:

[illegible]

[illegible]

[illegible]

"Dear Mr. Cudney:

" Would you kindly advise
"me of any results that have
"come out of the hearings that
"were held in your office some
"time ago"

and have you got a reply to that dated June 14th, 1960 which you now produce?

A. Yes, sir.

Q. It is a letter from Mr.Cudney of that date to yourself:

"Re Centre Road Veterans Association

" I would advise that by order
"of the Provincial Secretary dated
"June 3rd, 1960, the Letters Patent
"of the above corporation have been
"cancelled for cause as of June 24th,
"1960.

" I was away in Ottawa immediately
"following the cancellation of the
"charter and therefore I have not
"had an opportunity to write you
"in the matter before this date."

Now that I find a little difficult to follow because it had been cancelled for cause as of June 24th, but possibly Mr. Cudney can explain that -- whereas this letter was written on June 14th. Could those two, the copy and the letter, be Exhibit 29.

THE COMMISSIONER: Yes. That is the

letter of June 14th and what else?

MR. WILSON: Copy of a letter of -- what is the date?

THE REGISTRAR: 16th May.

--- EXHIBIT NO. 29: Copy letter dated 16th May, 1960, Chief McGill to Mr. Cudney, and Mr. Cudney's reply dated June 14th, 1960

MR. WILSON: Q. From the time that you received notice of the cancellation, was there any further operation of this Club?

A. Not to my knowledge, sir.

Q. Well, if there had been any further operation at the Club, would it have come to your attention?

A. Yes, sir.

Q. And during this period that you occupied the position of Chief Constable of the Township, had there been any interference with you or any attempted interference with you in regard to the carrying out of your duties with regard to this Club or any other Club or place in the Township?

THE COMMISSIONER: By whom?

MR.WILSON: Q. Well, by anybody.

THE COMMISSIONER: By anybody?

A. No, sir, never was.

MR. WILSON: That is all, thank you.

EXAMINED BY MR. MacKINNON

Q. You did not consider Mr. Laffrede's approach to you as a form of interference or attempted interference?

A. No.

Q. It was quite apparent what he wanted, was it not?

A. Yes, it was.

Q. He was trying to bribe you?

A. That is right.

Q. Did you make any report on that to Council or anyone else in a written form?

A. No, sir. I reported to Mr. A. G. Davis who was Crown Attorney of the Township.

Q. Did you report in writing?

A. I don't think I did, Mr. MacKinnon.

THE COMMISSIONER: You reported what to him?

A. I reported the visit of Laffrede to my home and the discussion that took place.

MR. MacKINNON: Q. Did you contemplate laying any charges as the result of these two visits?

A. No, sir. There was nothing concrete.

Q. Well, in approaching the Crown Attorney in this matter, were you in effect, making a complaint to him about this Club?

A. No, I was not making a complaint to him. He was aware of the Club the same as I was.

Q. Have you had a number of discussions with him over the years about this Club?

A. No, I had not.

Q. Was this the only conversation you had with him about this Club?

A. No. We did not have many discussions about it. We had discussions probably when the Provincial Police had raided it, but there were not that many discussions.

Q. So thereis no doubt in your mind at any event, I take it, whether you could prove it or not, that this was a gaming establishment?

A. Yes.

Q. You had that view, I take it, since early on in the operations of this Club? We were advised, I believe, it started some time in 1948 or thereabouts?

A. Yes, Inspector Tomlinson used to come into my office and advise me about the operations of theClub.

Q. You, as Police Chief for that Township, knew as well what was going on, did you not.

A. Quite right.

Q. Inspector Tomlinson was not really giving you any news, was he?

A. No.

Q. Now, do you keep a police diary, Chief?

A. No.

Q. I notice you were referring to notes. Do you just make notes of certain things or did you make daily or weekly notations of various happenings?

A. In our Police Department we make out a daily log sheet.

Q. Do you make one out?

A. No, I don't make one out. It is a general daily log sheet of all calls that come to our office.

Q. Well, I was just wondering -- I noticed, as I say, you were reading from notes with regard to certain episodes. Those were the exceptions, were they?

THE COMMISSIONER: What have you been reading from?

A. I have been reading, sir, from correspondence. I have no notes.

MR. MacKINNON: Q. I thought you had some notes of one of these episodes?

A. No, sir, just from correspondence that was filed.

Q. Now, for the purposes of the Peeley-McDermott-Wright prosecutions, were you interviewed by Inspector Graham?

A. Yes, Inspector Graham, yes, he talked to me.

Q. And did you give a statement to him at that time?

A. Yes.

Q. Have you got a copy of that statement?

A. I have a copy of a statement that I gave, with~~xx~~ other a police officers, in relation to us going to the City of Peterborough to choose a Chief of Police or a Deputy.

C2

Q. No.

THE COMMISSIONER: That has nothing to do with this.

A. And I have one here that I gave to Inspector Graham under date of May 15th, 1961 -- yes, which I signed and was witnessed by Inspector Graham.

MR. MacKINNON: Q. Dealing with the Veterans Club and its operations?

A. Do I read it, sir?

Q. No, no.

THE COMMISSIONER: Does it deal with the Veterans Centre Road Club?

A. Yes, sir.

Q. What brought that into existence?

A. I believe Inspector Graham wished to get the background of my taking action in relation to this Club.

THE COMMISSIONER: Would you show it to Mr. MacKinnon.

MR. MacKINNON: May I have a look at it, please. Excuse me a moment.

Q. I have not read all this, of course, Chief, but in the opening paragraph -- you said that the only mention of the Club was by Mrs. Fix in 1958, I believe.

"... when she told me she had heard "rumours that she and I were in "the pay of the Club."

You mentioned yesterday that she had come to you saying that there had been a rumour from one of her constituents saying that she had been financed in some way. Did she also say the rumour included you?

A. No, sir. The remarks that are included in there had been snide remarks that had been passed about me over the years by people discussing the Club and what was being carried on at the Club or suspected of being carried on at the Club, andhow much was I getting out of the deal and so on, like that. I believe Inspector Graham perhaps incorporated both those.

THE COMMISSIONER: What is this document? I have not seen it yet.

MR. MacKINNON: I am just wondering about -- I don't want to mention any names ---

THE COMMISSIONER: Just a moment.

MR. MacKINNON: But I think certainly it is a little different.

THE COMMISSIONER: Just a moment.

MR. MacKINNON: I think maybe this is something, Mr. Commissioner, that might be gone into in camera, or I have only read two or three paragraphs.

THE COMMISSIONER: I have just read it through now. Leavethat part of it to one side, to decide whether we hear it in camera or not.

MR. MacKINNON: I think, with respect, until possibly these things are examined further, I should not examine any further. The only thing may be I should ask is this:

Q. Did you give the information that is in here -- and possibly I should let you read it -- to Mr. Wilson, did you give the same information to him and the Commissioner?

A. I don't ---

Q. If you would read this.

THE COMMISSIONER: What date is that, Mr. McGill?

A. May 12th, 1961. You see,

this -- I was going to point out an error or two. That is in error.

MR. MacKINNON: Q. That you had known this man?

A. I had known him but ---

THE COMMISSIONER: What is this?

A. That is in error, sir.

THE COMMISSIONER: Oh, yes, that is immaterial.

A. There are two or three.

MR. MacKINNON: I did not get that far in my reading.

Q. This is a statement you did give then to Inspector Graham?

A. Yes, sir.

MR. MacKINNON: May I have it marked as an exhibit, Mr. Commissioner?

THE COMMISSIONER: Yes.

--- EXHIBIT NO. 30: Statement dated May 12th, 1961, Chief McGill to Inspector Graham.

MR. MacKINNON: Q. Did you give this same information to Mr. Wilson when you were interviewed by him for this Commission?

A. I can't recall that I did, sir. I had this in a brief that dealt with the Peterborough, the letters and correspondence and so on, it was in that brief, and perhaps it was overlooked. I can't recall if I did.

Q. You think it was just a case

of overlooking. Did you see your notes?

A. No, sir. I had this, as I said, "Correspondence and statements re Peterborough Police Department, Choice of Deputy Chief", and it was in there and could have been -- if I did not give it to Mr. Wilson it could have been overlooked for that reason.

Q. What you gave to Inspector Graham then was from your recollections?

A. Yes.

Q. Of what people had told you, not from any notes you had made at the time?

A. No, sir.

MR. MacKINNON: Mr. Commissioner, is it your position I should leave that first paragraph alone?

THE COMMISSIONER: I have forgotten what is in the first paragraph.

MR. MacKINNON: Mr. Brewin says to me he does not see how we can leave that alone. I am not proposing to leave it alone permanently, but I just wondered at this time.

THE COMMISSIONER: You had better leave that out for the time being.

MR. MacKINNON: Thank you, and we will have Mr. ---

THE COMMISSIONER: And, Mr. Registrar, these are the Commission's province, nobody

else's.

MR. BREWIN: Mr. Chairman, I am not sure what is being ruled on here that is being left out and for what time being. I just had a hurried glance at this, and it looks to me as something that ought perhaps to be gone into.

THE COMMISSIONER: It will be gone into perhaps in camera, that is what I had in mind.

MR. BREWIN: There is one sentence here that I don't know whether it should be gone into in camera or in public.

THE COMMISSIONER: Let me see what sentence you are talking about.

MR. BREWIN: What I am talking about is the last sentence of the first long paragraph. It seems to go to the root of the matter.

THE COMMISSIONER: That is not what I am talking about. There is something else in there. I do not want this to develop into any McCarthy trial.

MR. BREWIN: No, I appreciate that. I know you don't, and I don't think I want to do that either.

THE COMMISSIONER: There are other things in this first paragraph that pehhaps have not any great significance. Names are mentioned -- spread across the press -- people's

reputations damned.

MR. MacKINNON: That was the reason, as you understand, Mr. Commissioner.

THE COMMISSIONER: That is what I am talking about.

MR. BREWIN: I do not propose myself to ask to give us any names, but it did seem to me in thelight of the evidence which we have had, that the last sentence of this paragraph should be.

THE COMMISSIONER: Question to your heart's content about the last sentence.

MR. MacKINNON: About Reeve Speck?

THE COMMISSIONER: No, no.

MR. BREWIN: That is the last sentence.

MR. MacKINNON: That is all I am referring to.

THE COMMISSIONER: I am in the embarrassing position of not having this in front of me. Yes, you can, sure, cross-examine to your heart's content on that.

MR. BREWIN: I certainly propose to.

THE COMMISSIONER: It is most relevant.

MR. BREWIN: My friend has the first turn at it though.

THE COMMISSIONER: It was the other part that I was talking about.

MR. MacKINNON: Q. While we are on it, Chief, Exhibit 30, which is your statement to Inspector Graham, in the last sentence

of paragraph one of this document you state:

"In 1960 before Wright's arrest,

"Reeve Speck told me two Provincial

"Government members and an official

"of theAttorney General's Department

"were connected with the Vets Club."

Now, are you now swearing that Reeve Speck told you this?

A. That is quite right.

Q. Where were you and where was he when this conversation took place?

A. I believe I was in his office.

THE COMMISSIONER: What is it, two provincial ---

MR. MacKINNON: Two Provincial government members and an official of the Attorney General's department.

THE WITNESS: May I point out in that document ---

THE COMMISSIONER: Just a moment. Were what?

MR. MacKINNON: "Were connected with the Vets Club".

THE COMMISSIONER: Now you are being asked a question.

A. Yes, sir.

THE COMMISSIONER: Repeat the question, Mr. Reporter:

THE REPORTER: (Reading)

"Q. Now, are you now swearing

"that Reeve Speck told you this?

"A. That is quite right.

"Q. Where were you and where was "he when this conversation took "place?

"A. I believe I was in his office."

THE COMMISSIONER: You have answered. In Reeve Speck's office he told you this?

A. Yes, sir.

MR. MacKINNON: Q. What time of day and when?

A. I don't know what time of day it was or when. I have no date of that.

Q. It should be some time after he became Reeve, which would be from January 1st, 1960 to before Wright was arrested, which would be the end of May, 1960, correct?

A. Quite right.

Q. Was it winter, spring?

A. I believe that I advised him that we were not contemplating any further action on the Club, because we were expecting a hearing and it would be before that hearing in February, so it must have been during the winter.

Q. Fine. How did you happen to be discussing this particular subject matter? Wereyou reporting to him or something?

A. No, sir. Reeve Speck asked -- knew we had submitted a brief to the Deputy

Provincial Secretary.

Q. Yes?

A. He was Deputy Reeve then, I believe. We were discussing the Club, and I believe he asked me what progress we were making, and I advised him that we had -- that the Ontario Provincial Police and the Toronto Township Police had conducted these raids and had obtained evidence with the idea of submitting it to the Deputy Provincial Secretary. But I would like to make one point in there.

Q. Please do.

A. I don't know whether those were the exact words of Reeve Speck or not, but in essence he said "I heard rumours that there were two members of the Province and someone in the Attorney General's Department", or whether he said a couple of members of the Attorney General's Department and a member of the Government. I am not just sure how the words were said now.

C3

Q. Were you a little clearer in 1961 as to what was said? May 12th, 1961, is the date of your statement.

A. It was his statement to me.

Q. I am talking about your statement to Inspector Graham.

A. You must remember that Inspector Graham was sitting on a bed in

Kitchener trying to write this down, and it is a short brief for a long history that I had to tell.

Q. Did you read it before you signed it?

A. Yes.

Q. And it appears to be correct then?

A. That is right.

Q. You would not sign something otherwise?

A. That is right. In essence that is correct.

Q. I don't want the names, mind you, at this stage, unless Mr. Commissioner rules otherwise, but did he tell you who these two provincial members were?

A. Never.

Q. Did he tell you ---

A. He said it was rumour.

Q. Did he tell you from whom he got this?

A. Yes, he did.

Q. Who told him?

A. Am I permitted to say that?

THE COMMISSIONER: Oh, you had better.

MR. MacKINNON: Q. I want the source of this.

A. Mr. Cyril Clark.

Q. Told him?

A. Yes.

THE COMMISSIONER: Who is Mr. Cyril Clark?

A. Mr. Cyril Clark is the Reeve of Chingacousy Township.

Q. Where is Chingacousy Township?

THE COMMISSIONER: Never could pronounce that word.

A. It is adjacent to the Township of Toronto, I believe north or west, north-west, yes, inthe County of Peel.

MR. MacKINNON: Q. And from what Speck told you, did he state he had received this information from Clark as a statement of fact?

A. I believe it was a rumour the way he repeated it to me, the way other rumours were flying around.

Q. He did not say where Clark had got his information.

A. He did not.

Q. Did he state who it was -- and once again, no names, please, at this stage -- in the Attorney General's Department who was supposed to be connected with the Vets Club?

A. No, sir.

Q. Did you not have any conversation about that?

THE COMMISSIONER: With whom?

MR. MacKINNON: Q. With Mr. Speck?

A. Just what was said there.

Q. You have got normal curiosity, haven't you?

A. Yes.

Q. Did you not ask him?

A. I asked him and he said he did not know.

Q. Did he say whether he had asked or not?

A. He has never said and he repeated no names whatsoever. He said it was rumoured around that that was it.

Q. But it was a pretty definite source for his information that he gave you?

A. Yes, he did not state whether it was a rumour that this man had repeated to him or not.

Q. Then going back to Mr. Clark, was he a member of this Club?

A. I don't know, sir.

Q. Have you ever been advised of that?

A. I had heard rumours that he attended the Club.

THE COMMISSIONER: Rumour on rumour.

THE WITNESS: I cannot confirm it.

MR. MacKINNON: Q. Had you ever spoken to Clark?

A. Never about that. Sergeant

Anderson perhaps could add to that.

Q. You believe this was followed up?

A. Yes, sir.

Q. Was any explanation ever given to you as to the delay from the date of the hearing to the date of the cancellation of the Letters Patent?

A. No, sir.

Q. You never discussed it with anyone?

A. No, sir.

Q. You finally wrote a letter to find out what had happened?

A. Yes, sir.

Q. And subsequent to that letter the Letters Patent were cancelled according to the advice given to you, is that correct?

A. From the Provincial Secretary.

Q. Did you know what Mr. Clark's address was?

A. No, sir, I don't.

Q. Do you know what his first initial is?

A. Cyril is his name.

Q. So it would be "C Clark" ?

A. Yes.

Q. And the "Clark" is without an "e"?

A. I believe that is right.

Q. Do you know whether his address was Rural Route No. 1 Brampton or not?

A. That could well be.

Q. Were you ever shown a membership list of this Club?

A. No, sir.

Q. I wonder if I could have your view on this. You have stated you were familiar with this Club and its operations. Was it physically any different in the Fall of 1959 from what it was, let us say, in the Fall of 1957?

A. I don't think it was.

Q. We have heard it described as a "fortress", it was like a fortress in 1957 as it was in 1959, is that correct?

A. To my knowledge that is right.

Q. So would you have any reason to believe that if an application had been made in the Fall of 1957 to cancel the Letters Patent it would have been any less successful ultimately than your application in the Fall of 1959?

THE COMMISSIONER: Well, the better way to put that, Mr. MacKinnon is: Was there any differente physically or otherwise in connection with the Club?

MR. MacKINNON: I did not add the "otherwise".

THE COMMISSIONER: Between 1957 and 1959.

MR. MacKINNON: Q. All right, we will add "otherwise" then. Was there any difference physically or otherwise between 1957 and 1959 in the construction and operation of this gaming house?

A. Not to my knowledge.

Q. Did you ever discuss with anyone why an application had not been made earlier to the Provincial Secretary's Office?

A. No, sir.

Q. By anyone?

A. No, sir.

Q. Had you contemplated it earlier?

A. No, sir, not earlier than 1958.

Q. In 1958 did you have some interview with Sergeant Anderson about these premises?

A. Yes, sir.

Q. And was there any reason at that time why you did not write to the Provincial Secretary's Office requesting the cancellation of this charter?

A. I felt that -- well, I didn't know now, so I had better not say that -- well, I felt that the Provincial Police were going to discuss it or had discussed it,

the cancellation of the charter.

Q. Did they advise you of that?

A. No, sir, they had not. It was my own impression.

Q. Did Sergeant Anderson advise you after these conversations with him, particularly the one about going to use sledge hammers to knock in the windows, that he had made a report on that to his superiors?

A. We had discussed that and I believe he told me that he had submitted a report to his superiors.

Q. And it was quite obvious to you, I take it, that when Laffrede came to see you, he knew what you and Anderson and Napolitano, did you say?

A. Yes, sir.

Q. Had been discussing?

A. Yes, sir.

Q. No doubt in your mind at all about that?

A. Quite right.

Q. Had you told him, Laffrede?

A. No, sir.

THE COMMISSIONER: You said you had not told anybody?

A. That is right, sir.

MR. MacKINNON: Q. That is right, but it was obvious there must be a leak

somewhere, correct?

A. Right.

Q. And had you discussed this leak with Sergeant Anderson? You advised him of Laffrede's attendance, I gather?

A. Not right at the time. I would say some two or three months after.

Q. Well, maybe I can turn to Sergeant Anderson's diary which may help you. In Sergeant Anderson's diary, if this helps refresh your memory, under date of February 4th, 1959, he states that he was advised by you that three days after his last meeting with you, you had been contacted by Jack Laffrede of the Vets Club. So apparently on February 4th, 1959, you had advised Sergeant Anderson of his contact?

A. That could be quite right.

THE COMMISSIONER: I want to just refresh my memory as to the date of your talk with ~~Laffrediz~~ Laffrede?

A. It was early in December.

MR. MacKINNON: Q. December 18th?

A. It was two Sundays in a row, sir. I can't remember the dates.

THE COMMISSIONER: I don't think it was in December, 1958.

MR. MacKINNON: There is a date in Sergeant Anderson's diary, December 18th, 1958,

which reads:

"Chief Constable McGill contacted
"with P.C.Napolitano to meet again
"in after-holiday season"

A. That would be right.

Q. So that would be the occasion then, you think?

A. Could be. I know it was early in December.

THE COMMISSIONER: That would be the occasion of what?

MR. MacKINNON: Q. Of your meeting with Sergeant Anderson and the Constable and discussing this matter of sledging in the windows?

A. Wait till I get that date straight again.

Q. December 18th, 1958.

THE COMMISSIONER: Is that the date in Anderson's ---

MR. MacKINNON: Yes, I have just got this summary that Mr. Wilson has given to me.

Q. I am not suggesting it is exhaustive, but it is the first time that you were mentioned as having met with Sergeant Anderson.

A. I can't recall that as the date, sir. It could be. I thought it was the latter part of November when I met with

Anderson, but I never marked dates down or recorded them and I don't know for sure.

THE COMMISSIONER: How long after that was it that Laffrede came to your home?

A. I would say approximately three or four days, your lordship.

Q. I see, all right.

A. It was the Sunday directly after.

MR. MacKINNON: Q. Then he made a second visit?

A. Yes, sir.

Q. A week later?

A. Yes, sir, one week later on the Sunday afternoon.

Q. And the very next time that Anderson came to see you, I suggest, was February 4th, 1959?

A. That could well be, sir.

Q. And it was on that next visit that you advised him of Laffrede's visits?

A. That could well be, yes, sir.

THE COMMISSIONER: When was Napolitano transferred to the Liquor Board?

C4

MR. WILSON: He is still on the ---

MR. MacKINNON: He is still on.

MR. WILSON: He is still on the Anti-gambling squad.

THE COMMISSIONER: There were two persons, yes, Cronin ---

MR. MacKINNON: And van Zuben in 1954.

MR. WILSON: That was April, 1954.

MR. MacKINNON: Q. Chief, Sergeant Anderson has in his diary for February 4th as follows:

"Advised by him ---"

that is, Chief McGill

"... that three days after last
"meeting Jack Laffrede of Vets
"Club came to his house and advised
"him that he had knowledge of the
"pending raids."

Is that an accurate entry?

A. I related to Staff Sergeant Anderson what had transpired at my home when Laffrede visited me, that is what I advised him.

Q. Well, that indicated a knowledge of what you were contemplating?

A. Yes, sir.

Q. Chief McGill, you stated that there had been no complaints to you as to the operation of this Club, is that correct?

A. Quite right, sir.

Q. Had there been any complaints to you that the police were persecuting this Club?

A. No, sir.

Q. Any statements made to you of

that kind at any time?

A. No, sir.

Q. Well, in connection with these complains or alleged complaints ---

THE COMMISSIONER: What alleged omplaints?

MR. MacKINNON: I am going to allege complaints.

Q. Were you ever advised of a Mrs. McDonald complaining about the operation of this Club?

A. I don't recall that, sir.

Q. You stated, I believe, yesterday, that you had heard that some one or other had committed suicide as the result of the operations of this Club?

THE COMMISSIONER: You said that yesterday.

A. Was that my very words? I stated, I believe, that a man had committed suicide, and it was felt that he had been at the Club and as a result of being at the Club he had committed suicide.

MR. MacKINNON: Q. From whom did you get this information?

A. I believe it was from some members of the Ontario Provincial Police detachment out at Port Credit, out at the cloverleaf.

Q. Was this in 1958 or 1959?

A. I don't know, sir. It was quite some time ago. I can't even recall the year or the time or anything. I believe the chap ran into a train.

Q. In any event, you had no direct connection with that episode?

A. No, sir.

Q. With regard to these operations -- you have been Police Chief how long, since 1944 did you say?

A. 1946.

Q. Have you any idea as to the volume of business of an operationof this kind then, the amount of profit involved?

A. No, sir.

Q. Have you done any reading on the subject?

A. Yes, in the newspapers.

Q. I mean apart from the newspapers?

A. No, sir.

Q. Have you read any investigations made in the United States in this field?

A. Yes, in the newspapers.

Q. And from your knowledge as to what went on in your Township, would you feel that this was a lucrative proposition for the keepers?

THE COMMISSIONER: Well, would you know?

MR. MacKINNON: He might know better

than anyone else.

THE COMMISSIONER: I am asking him. Do you know how lucrative the operation of this Club was?

A. No, sir.

Q. To the owners?

A. No, sir.

MR. MacKINNON: Q. Presumably they were anxious to keep it going, were they not?

A. I would say so, yes.

Q. You didn't have any view they were losing money on the operations?

A. No, sir.

Q. As a police chief of some standing, do you agree with this statement made by a county jury in New York in February, 1959, where they said:

"Actually if you scratch the "professional operator of gambling "ventures, you will find the "narcotic peddler, the loan shark, "the dice-game operator, the white "slaver, and even the murderer".

Do you agree with that?

THE COMMISSIONER: Just a moment. You became Chief Constable out there when?

A. 1946, your lordship.

Q. 1946, and what was your training in police work prior to that?

A. Almost nil.

Q. How old a man are you?

A. Fifty-one.

Q. How old were you when you went to the Force?

A. Thirty-five.

Q. What was your education?

A. Senior Matriculation.

Q. After evening school until you went to the Force, what sort of employment were you engaged in?

A. I worked at various jobs during the "roaring thirties" andwhen war came I went into a war plant.

Q. And apart from carrying out your duties as Chief Constable out there, have you indulged in any research or anything of the kind with respect to gaming operations and how lucrative they are and what they lead to, all that sort of thing?

A. No, sir.

THE COMMISSIONER: Is he qualified?

MR. MacKINNON: Q. You have been Police Chief all the time you have been out there?

A. Yes, sir.

Q. How many men have you under you now?

A. Seventy-six.

THE COMMISSIONER: I don't think he is qualified, Mr. MacKinnon.

MR. MacKINNON: That is all for now.

THE COMMISSIONER: Let there be no mistake. I do not think he is qualified to pass an expert opinion as to the correctness of what somebody else said on statistics and that sort of thing.

MR. MacKINNON: I actually was not asking him about statistics at this stage. I had asked him and he had said he didn't really know how lucrative it was. My question was with regard to professional gamblers and their involvement in other activities.

MR. WILSON: I believe I can assure the Commission and Mr. MacKinnon that we will be calling witnesses who are qualified to deal with the subject.

THE COMMISSIONER: I would think so.

MR. MACKINNON: Thank you. That is all for now.

THE COMMISSIONER: We will have a recess.

--- Short recess.

(Page 585 follows)

D/RJH/1

---Upon resuming at 11.50 a.m.

THE COMMISSIONER: Mr. McGill?

MR. BREWIN: Before I proceed with the cross-examination, I would like to get an indication if it is your opinion, sir, that I ought not to ask the witness about the sentence in Exhibit No. 30 which starts, "Cyril Clark, Reeve . . . ", which I want to ask him about.

THE COMMISSIONER: Clark is being subpoenaed, is he not?

MR. WILSON: Yes, he is being subpoenaed, Mr. Commissioner, and Mr. Speck is being asked to return.

THE COMMISSIONER: Yes, you may ask him about that.

MR. MacKINNON: May I then?

THE COMMISSIONER: Yes.

MR. BREWIN: I think it is my turn.

MR. MacKINNON: The ruling was that I could not ask that question.

MR. BREWIN: I don't want to get into any squabbles with Mr. MacKinnon.

THE COMMISSIONER: He has been subpoenaed and he will be here, and Speck will be brought back.

EXAMINED BY MR. MacKINNON:

Q. Mr. McGill, in paragraph one of this statement, dated May the 12th, 1961, and filed as Exhibit 30, there is a sentence which reads as follows:

"Cyril Clark, Reeve of Chinguacousy
"Township, came to Reeve Speck in the
"early part of 1960, and asked him to
"have me tell him . . . "

THE COMMISSIONER: Just a moment. Let me see that again. I wish I had a copy of this.

MR. WILSON: I now have a copy.

THE COMMISSIONER: Let me have one. Now, he is going to report what somebody else told him about a third party. I think I will change my ruling on that. We will get Clark and Speck here.

MR. MacKINNON: May I ask one other question on another matter, which I overlooked?

THE COMMISSIONER: Yes.

MR. MacKINNON: With regard to writing to Mr. Davis about this Club, why did you do that?

THE COMMISSIONER: William Davis?

MR. MacKINNON: Yes.

THE COMMISSIONER: The Member?

MR. MacKINNON: He wasn't the Member, was he?

A. Yes, he is now.

Q. But he wasn't the Member when you first wrote to him, was he?

THE COMMISSIONER: No. He had just been nominated.

THE WITNESS: I believe he had just been nominated. He was elected in June.

MR. MacKINNON: June the 11th, I believe, that Mr. Wilson gave the date as.

THE COMMISSIONER: Is that my understanding, that you wrote to him in March, and the election was in June, is that it?

A. Yes, sir.

MR. MacKINNON: Q. Why were you writing to Mr. Davis, who was not a Member of the Legislature at this time?

A. Mr. Davis, I believe, had received the nomination.

Q. Does that put him in any special category?

A. No, sir. I wanted to familiarize him with the history of the Club.

Q. Were you familiarizing all candidates with the history of the Club?

A. No, sir. I familiarized Mr. Davis because of his father being Crown Attorney, and if he had been elected then, I was going to ask him to expedite a hearing when the necessary evidence was obtained to present to the Deputy Provincial Secretary.

Q. Apparently you telephoned him prior

to this letter -- or he telephoned you?

A. I don't recall.

Q. By this letter -- I am referring to Exhibit No. 23.

A. I cannot recall whether he telephoned me or I telephoned him.

Q. Did you discuss this with the other candidates?

A. No, sir, I did not.

Q. Would your plans have gone awry if somebody else had been elected?

THE COMMISSIONER: Well, I don't think that is hardly a fair question. Davis was the nominee for the Conservative Party, which was in power at the time, and he was in your riding?

A. That is correct, sir.

Q. This was in the back yard, so to speak, of the riding for which he was a candidate?

A. That is right, sir, and I knew that he would be interested, through his father being the Crown Attorney.

MR. MacKINNON: The other candidates were in your back yard as well, were they not?

A. I did not know them, sir. I believe the Liberal nominee lived in Brampton, I don't know him at all.

THE COMMISSIONER: Q. Did you know William Davis pretty well?

A. Yes, sir, quite well.

MR. MacKINNON: Q. Well, did you not know

the previous member?

A. Colonel Kennedy?

Q. Yes?

A. Yes, I did.

Q. You knew him quite well, too?

A. Yes.

Q. Had you ever written him about this?

A. No, sir, I never had. I believe that he had resigned prior to me -- some time in 1958, prior to my taking any action.

MR. MacKINNON: Thank you.

EXAMINED BY MR. BREWIN:

Q. I don't intend to ask you to go into any detail or discuss this sentence, but I call your attention to a sentence on the first page of the report --

THE COMMISSIONER: That is Exhibit 30?

MR. BREWIN: Yes, Exhibit No. 30. The sentence -- the two sentences starting at the tenth line, do you identify those? I do not ask you to read them out.

THE COMMISSIONER: He has read it.

MR. BREWIN: Q. You have read that?

A. Yes.

Q. And that is correct, is it?

A. That is correct, yes.

Q. And the source of your information in those two sentences was Reeve Speck, I take it?

A. He was repeating to me.

Q. Yes, the source of the information stated there is Reeve Speck himself?

A. Yes, sir.

Q. Before I leave this Exhibit 30, you said something about the information that Reeve Speck told you about, two Provincial Government members in the Attorney General's Department being connected with the Veterans Club, and you said it was a matter of rumour, but I put it to you here that in this statement that you signed and submitted to Inspector Graham, you put it as though Reeve Speck told you that as a matter of fact?

A. It was a rumour.

Q. Why would you put mere rumours in a report of this sort? You don't state it to be a rumour, or it was reported to you as a rumour? You stated that Reeve Speck told you these things?

A. Mr. Brewin, I was reporting that to Inspector Graham sitting on a bed in the Kitchener Hotel, and I explained that to him for the purpose of that statement, that there were rumours, and Reeve Speck stated to me as

a rumour, and that he had talked to Mr. Clark, or whether Mr. Clark told it to him as a rumour or not, I cannot tell you.

Q. All I am pointing out to you, Chief, is that you reported it in this statement as a definite statement by Reeve Speck; no reference to rumour whatsoever in this report, is there? Look at that last sentence in that paragraph. There is no suggestion it was just a rumour. You put in positive terms there that Reeve Speck said that these things were so.

A. That is quite right, what is down here (indicating).

THE COMMISSIONER: "That is quite right, what is down here"?

A. What Mr. Brewin said.

Q. What you had there?

A. But it is not quite right, that he did not indicate that it was a rumour.

Q. What?

A. Mr. Speck stated that it was a rumour, and that Cyril Clark, in the course of his conversation -- in the first part about Cyril Clark -- starting there (indicating).

Q. Yes.

A. And then on down that, it was my understanding it was rumoured that there were two members of the Government, Provincial Government, and an official of the Attorney General's Department, or it was two members of the Attorney

General's Department, and a Provincial Government Member.

Q. Now which?

A. That is what was Mr. Speck's statement to me.

Q. But you have written down here, "In 1960 before Wright's arrest Reeve Speck told me two Provincial Government members and an official of the Attorney General's Department were connected with the Veterans Club." Now, did Reeve Speck tell you that as an actual fact, or did he say that it is rumoured that?

A. Your lordship, Reeve Speck told me this as an actual fact, but he phrased it that there was rumours flying around to the effect, as I pointed out, that two Provincial Government members and an official of the Attorney General's D/2 Department, or two members of the Attorney General's Department and an official of the Province, or of the Government, were connected with the Vets Club.

Q. You take the witness.

MR. MERWIN: The only thing I can point out to you, and ask your explanation, is that in that statement you don't refer to rumours at all, do you?

A. I don't refer to rumours.

Q. And you put it down as though Speck had given you this definite statement, isn't that right?

A. That is the way it is put down, yes.

THE COMMISSIONER: Did you put it down correctly, that is what I am concerned about?

A. I feel Inspector Graham did not put it down correctly. I stated this, that he did not put it down. Further on here, it was wrong. He made another error right in here (indicating).

MR. BROWIN: Q. But you read it over, did you not, and signed it?

A. I read it over and signed it, yes.

Q. And I suggest to you that anything reported, even indirectly, to implicate members of the Government and the Attorney General's Department, you would scrutinize pretty carefully, wouldn't you?

A. I pointed out those errors to Inspector Graham at that time.

THE COMMISSIONER: What errors?

A. Those here (indicating), and this one right here (indicating).

Q. Well, "here" and "here" does not mean anything on the record.

A. In 1960, starting in 1960, the sentence there.

Q. Where?

A. Here (indicating).

MR. MacKINNON: Q. Is that the last sentence in paragraph 4?

A. Yes.

THE COMMISSIONER: Yes. Did you point that

out to Inspector Graham?

A. Yes, sir.

Q. What other error did you point out to Graham?

A. I pointed that one out, sir, (indicating), and I pointed this one out, too (indicating).

Q. The witness is now referring to the statement, "I had known Jack Laffrede when we both worked at Anaconda Brass in the '40's, and I had not seen him since about 1944, when I started with the Police Department." Now, what is wrong with that sentence?

A. Jack Laffrede never worked at Anaconda Brass with me.

Q. Did you work at Anaconda Brass?

A. Yes, sir, from 1940 to 1944, and Graham pointed out to me that it was all right, that it was just for information.

Q. How would he get it down that you had known Laffrede since you both worked at Anaconda Brass since 1940? Did Laffrede work at some other Brass Company, do you know?

A. Not that I know of, sir. I pointed out, sir, to Graham, that I worked at Anaconda Brass, and down at New Toronto I had met Laffrede. I cannot recall where I met him or how I met him, but I know he did not work with me at Anaconda Brass.

Q. You pointed out those two errors to

Graham before you signed it?

A. Yes, sir.

Q. But you still signed it?

A. Yes, sir.

Q. Why didn't you ask him to correct the errors?

A. Your lordship, it was a very hot day sitting in a small hotel room, in the Kitchener Hotel, and he had his shirt off, and I had my shirt off, and he was trying to scribble out statements from other Police Chiefs who were present at that time, and he was right on the bed, leaning on his knee on a bed, and it was, I believe, about 5.00 o'clock at night, or perhaps later, I know it was around that time. I imagine he was in a hurry, and neither one of us thought it was of much importance at that time.

Q. What were you all doing in Kitchener at the time?

A. We had assembled there at the request of Inspector Graham to give a statement in relation to the Peterborough -- to the choice of a Deputy Chief for Peterborough Police Department.

Q. That is the job that Shrubb subsequently got?

A. Yes, sir.

Q. Yes?

A. After that statement was taken, sir,

then Graham called each one of us into the small bedroom and asked if we had anything further to add, and I submitted this information.

Q. I see.

A. And I believe I was the last one to be called in, I cannot recall for sure.

MR. BROWN: Well, I would like to get explicitly from you what you say was the mistake that the Inspector -- Inspector Graham made in taking down your statement on the first paragraph. I am not concerned with Laffrede or Anaconda Brass. What was the mistake that he made -- what should he have put down if he copied your statement correctly?

A. It was my understanding that Reeve Speck said at that time that Cyril Clark told him it was rumoured around that two Provincial Government members and an official of the Attorney General's Department, or two members of the Attorney General's Department and a member of the Provincial Government, were connected in some way with the Vets Club.

Q. That is what he ought to have put?

A. Yes.

Q. And you pointed out that mistake to him, did you?

A. Yes, sir, the same as I pointed out this one here (indicating), that I drew to his lordship's attention.

Q. And what did he say when you pointed

out the mistake?

A. To me he said, "Well, it is only for our information", or something along those lines, I just forget the exact words said.

Q. I suggest to you that to attribute to the Reeve a statement of the sort that is in there, was rather an important matter, wasn't it? Don't you agree it is important to have you put in a signed statement that you were informed by Reeve Speck that two members of the Provincial Government and somebody in the Attorney General's Department were connected with this Club, that you have been complaining about?

A. Mr. Brewin, this was the rumours that were going around. It was the scuttlebutt that was going on all the time. I had heard those rumours before Speck ever drew it to my attention.

Q. All I am suggesting to you, that if Inspector Graham took down an account of your words in respect to this matter, it was inaccurate, it was a very important matter to be asking you to sign your name to, wasn't it?

A. Yes, it was.

Q. And I suggest to you as an experienced constable that you must have felt very uneasy about signing a letter of this sort when you knew it was not correct, a correct report of what you said?

D/3

A. Mr. Brewin, I understood I did not

have to submit this information to Inspector Graham, I could have retained it myself. He asked me for all information that I could give in reference to the Vets Club. I submitted this, because it was rumour.

Q. I see.

A. I could have retained this myself, in my own confidence.

Q. When you are giving information to some one like Inspector Graham, do you always submit rumours and sign your name to it?

A. I trust Inspector Graham.

Q. Of course you do. I see. Well, that is all right then. We will finish with that then. Well then, I want to refer you to a different subject matter -- Exhibit No. 24, which is the long letter you wrote to Mr. Cudmay.

THE COMMISSIONER: The exhibit is there.

MR. BREWIN: Perhaps if you just -- I will read paragraph 11 to you, on page 4:

"Notwithstanding that the federal "charter of the Alpha Club Limited was "discontinued in 1954 and that the "charter of the Army, Navy and Air Force "was cancelled, and further, notwith- "standing the history of observation, "police raids, and general difficulties "with this location, the provincial "charter under the name of Centre Road "Veterans Association was issued by

"the Ontario Provincial Secretary's Office
"in July of 1958. Neither the Commissioner,
"Provincial Police nor the undersigned
"were consulted or advised of this action
"contrary to the usual and standard
"procedure. The premises in question
"are known to be used for gambling and
"have been since 1951, and have always
"been a source of trouble, nuisance
"and expense, both to this Township and
"the Ontario Provincial Police anti-
"gambling squad."

That was the statement in your letter, and I take it it was a correct statement, so far as you knew?

A. Yes.

Q. And paragraph 12 — I might read that, too:

"Under these circumstances I wish
"to be advised why, and by whom this
"provincial charter was issued and
"what steps should be taken by the
"law enforcement forces concerned to
"have the charter cancelled."

Now, if I may go back to the previous paragraph, you say,

" . . . the undersigned were consulted
"or advised of this action . . . "

I am sorry —

"Neither the Commissioner, Ontario

"Provincial Police or the undersigned

"were consulted . . . "

To begin with, who told you that the Commissioner was not consulted?

A. I believe Staff Sergeant Anderson advised me that the Commissioner had not been consulted on the issuance of this charter.

Q. I suppose he also advised you he submitted an unfavourable report himself?

A. No, sir, he din't.

Q. Well, then:

" . . . the undersigned were consulted

"or advised of this action contrary to

"the usual and standard procedure."

You were not in fact consulted about it?

A. No, sir.

Q. And then it goes on to say:

" . . . contrary to the usual and

"standard procedure."

I want to ask you what was the usual and standard procedure?

A. Mr. Cudney usually sent out a letter advising that a charter had been applied for, and the names of the persons on the charter.

Q. And I take it from your last sentence there that the premises in question are --

"The premises in question are known

"to be used for gambling and have

"been since 1951, and have always been

"a source of trouble, nuisance and
"expense, both to this Township and
"the Ontario Provincial Police anti-
"gambling squad."

I take it if you had been consulted you would have given that information and recommended it against the granting of the charter?

A. Yes, sir.

Q. I notice in paragraph 15 -- perhaps that has been brought out already. I will leave that. I think that has been covered by my friend, Mr. MacKinnon. Well, you told us, I think, before that, you did not consult Council at all about your actions in respect to the Club. I take it by the "Council" you mean the Council of the Township of Toronto, is that right?

A. Yes, sir.

Q. Why didn't you consult the Council, is there any reason for that?

A. No, sir.

Q. I see. You proceeded to write these letters and take all the actions you did, without any reference to the Council?

A. Yes, sir.

Q. And I wonder if you could tell me why you thought it necessary when you did take steps to try and get the Club licences, why you found it necessary to write to Mr. Frost personally at his home in Lindsay?

A. I always looked up to Mr. Frost as

a very fine man, and I felt that Mr. Frost would help to expedite a hearing.

Q. Did you think that if you wrote to the other people concerned here, the Attorney General and the Provincial Secretary, and so on, that it would not be expedited?

A. I felt that they were aware of this situation, and there must be some reason that no action was taken.

Q. Do you have any idea what reason there might be why no action was taken?

A. No, sir.

Q. But you did feel that for some reason, unless you wrote to the Prime Minister personally, you might not get any action on this complaint?

A. Yes, that is right.

THE COMMISSIONER: What made you think that?

A. Well, I thought that Sergeant Anderson and the Ontario Provincial Police anti-gambling squad had brought this matter of this Club to the attention of the Attorney General's Department, and his own Commissioner. They were aware of the condition.

MR. BREWIN: Q. Did they suggest to you that--you had a good many discussions with Sergeant Anderson--that they were being hampered in any way by officials?

A. No, sir, Sergeant Anderson never indicated that whatsoever, to my knowledge.

Q. You yourself felt that no action was resulting from any information given to the Attorney General's Department?

A. I felt, Mr. Brewin, it had a long history of raids and surveillances and observation kept on it.

Q. Why didn't you just proceed in the normal way, to go to the Attorney General's Department or Provincial Secretary, who is responsible for issuing the licence?

A. For what reason?

Q. Why didn't you go directly to them, rather than bothering the Prime Minister about it?

A. I explained th you why I did that.

Q. I see. All right, thank you.

My lord, if some information comes out as a result of these other witnesses, I propose --

THE COMMISSIONER: You had better remain around, Mr. McGill.

MR. WILSON: There are one or two questions I would like to ask.

EXAMINED BY MR. WILSON:

Q. You say that you had meetings with Inspector Tomlinson from time to time?

A. Yes, sir.

Q. And did he ever register any annoyance about anything that happened at the hearing in the Court House at Brampton on November 24th, 1954, to you?

A. No, sir, not that I can recall, Mr. Wilson.

Q. Well, this statement that you made on May 12th at Kitchener, the purpose I take it of yourself and these other Chief Constables being there, was to meet with Chief Inspector Graham to give statements in regard to the selection by a group of you, I think six in all, or five?

A. Four.

Q. Well, I stand corrected. I thought it was five. I thought it was Knight of London, Kerr of Brampton, Patrick of Kitchener, Lawrence of Hamilton, and yourself?

A. Patrick of Kitchener was selected to go and was unable to attend, and I was asked to go in his place.

Q. He did not act on the selection committee?

A. He may have formerly through his being president of the Association, but he was

not one of the members who attended at Kitchener when the Deputy Chief for Peterborough was selected.

Q. At this meeting in Kitchener, was the main purpose to give the facts to Inspector Graham as to the selection of Mr. Shrubb for the post of -- what, Deputy Chief or Chief?

A. Deputy Chief.

Q. Deputy Chief?

A. Yes, that was the meeting in Kitchener.

Q. And when did that meeting start that day in Kitchener?

A. I believe it started about 2.00 o'clock and I don't recall whether Inspector Graham about 4.00 -- he arrived later on in the afternoon.

Q. Well, what about the statement you gave? Was that given after you dealt with the question of the selection of Mr. Shrubb?

A. Yes. A stenographer was brought in and she took down the information, and later on -- that consumed an hour or a couple of hours.

Q. You say that was done in a hotel bedroom?

A. Yes, sir.

THE COMMISSIONER: The stenographer was not taking down this report?

A. Not that report.

D/4

Q. Exhibit 30?

A. Not that report, sir.

MR. WILSON: Q. That was after that business

had all been cleared away, I take it?

A. That is right, sir.

Q. Now, were you aware of the fact that the Commissioner of the Ontario Provincial Police wrote to Mr. Common, in the Attorney General's Department, in August of 1959, asking that the charter of the Centre Road Veterans Association be cancelled?

A. No, sir.

Q. Were you aware of that fact?

A. No, sir.

MR. WILSON: That is all, thank you.

THE COMMISSIONER: Thank you.

MR. MacKINNON: Mr. Commissioner, I think this witness has an extra copy of the hearings which took place before the Provincial Secretary -- a copy of the transcript of the evidence, and I wonder if he could leave it behind so that we could have a look at it?

THE COMMISSIONER: Do you want to retain that for any particular purpose?

THE WITNESS: I would like to retain it, sir.

MR. MacKINNON: He will get it back.

MR. WILSON: I would like a copy of that letter he wrote to Mr. Cudney.

THE COMMISSIONER: Very well.

---The witness withdrew.

MR. WILSON: I will call next Inspector Graham.

(Page 605 follows)

had all been a [illegible]. I have not

A. Then it might, yes.

Q. Now, were you aware of the fact that

the Constitution of the Ontario Provincial Police

vests in Mr. Common, in the Attorney General's

Department, it shall [illegible] that the

election of the Ontario Provincial Police

be removed?

A. No, not.

Q. Were you aware of that fact?

A. Yes, I was.

Q. Did it?

MR. [illegible]: Common Law.

MR. MACKINNON: Mr. Commissioner, I think

this witness has an extra copy of the inquiry

which may [illegible] the Security Investment —

MR. [illegible]: Mr. Commissioner, I think

that [illegible] a copy of the exhibit, and I

wonder if he could leave it behind so that we

could have a look at it?

THE COMMISSIONER: Do you want to return

that for any particular purpose?

MR. [illegible]: I would like to retain it, sir.

MR. MACKINNON: He will get it back.

MR. [illegible]: I would like a copy of this

letter to Mr. Common.

[illegible]

MR. [illegible]: I will [illegible]

[illegible]

INSPECTOR HAROLD HOPKINS GRAHAM, sworn:

EXAMINED BY MR. WILSON:

Q. Now, you are a Chief Inspector of the Ontario Provincial Police?

A. Yes, sir.

Q. And how long have you been with the Force?

A. Since 1941, January 1.

Q. And how long have you been an inspector?

A. Since 1949, January 1.

Q. And you were appointed Chief Inspector?

A. June, June 1, 1961.

Q. Yes. Now, dealing first with the statement that Chief Constable McGill gave to you on May 12th, 1961, did you hear his evidence on that?

A. Yes, sir.

Q. You were here in the - in the Courtroom. Now, what time of the day was this statement taken at Kitchener?

A. I arrived in Kitchener at 2 o'clock.

Q. Yes?

A. And went to the Mayfair Hotel, where a meeting had been set up by Chief Constable

Patrick, in a suite, and when I arrived Chief Constable Lawrence of Hamilton was already there, Kerr of Brantford, Patrick and Chief Constable McGill.

Q. Now, I don't want to go into
E/2 the details of the - of the selection which was completed on that occasion?

A. No.

Q. Because we will be dealing with that later in this inquiry. Was it at the conclusion of the obtaining of statements from those gentlemen that you obtained this statement from Mr. McGill?

A. It was atthe conclusion of the shorthand reporter - -

Q. Yes?

A. - - having taken down what was said by the five Chiefs in a joint statement,

Q. With respect to the -

THE COMMISSIONER: Peterborough matter?

A. With respect to the Peterborough event, and the shorthand reporter had left the room to go to type out her notes.

I then took each Chief Constable into a separate room for further - any further information they may have.

MR. WILSON: Now, you heard the evidence of Chief Constable McGill, to the effect that he had pointed out two errors in the

statement?

A. Yes, sir.

Q. What is your recollection in that regard?

A. My recollection is that he did not.

Q. Yes?

A. I would like to see the original statement.

Q. Well, I don't think we have seen an original here this morning, have we?

THE COMMISSIONER: I haven't, no.

MR. WILSON: Yes. I produce to you what I take to be the original?

A. Yes, sir.

Q. Yes.

THE COMMISSIONER: Is that the original?

A. Yes, it is, sir.

THE COMMISSIONER: Attach that to Exhibit 30.

MR. WILSON: 30, yes.

THE COMMISSIONER: For the record, the pen and ink document is the original and the typed document is the copy.

MR. WILSON: And with relation to this original - - -

THE COMMISSIONER: Give it to the witness, Mr. Registrar.

MR. WILSON: - - in whose writing is that?

A. This is in my handwriting, sir.

Q. That is in your handwriting?

A. Yes.

Q. Yes, and your recollection is that he did not, before or after signing that document, say to you that there were any errors in it?

A. That is my recollection, sir.

THE COMMISSIONER: Well, is your recollection clear?

A. Yes, sir.

MR. WILSON: Were there any other persons present when that statement was taken and signed by Chief Constable McGill?

A. No other person was present. This was an important document for the Attorney General.

THE COMMISSIONER: Pardon?

A. This was an important document for the Attorney General.

MR. WILSON: Yes. What did you do with that document after you obtained it?

A. I submitted copies to the Commissioner, who sent copies to the Attorney General.

Q. When you say - this was the Commissioner of the Ontario Provincial Police?

Mr. WILSON - - in whose writing is

that?

A. This is in my handwriting, sir.

Q. Does it in your handwriting?

A. Yes.

Q. Yes, and your recollection is

that he did not, before or after signing that

document, say to you that there was any erasure

in it?

A. That is my recollection, sir,

unqualified answer?

A. Yes, sir.

Q. Did Mr. Gleason say that

anything present when that statement was made

and signed by Chief Constable Wilson?

A. No other person was present,

this was an important document for the Attorney

General.

THE CHAIRMAN: Carlton

Q. This was an important document

for the Attorney General.

MR. WILSON: Yes. Must did you do

with that document after you obtained its

A. I submitted copies to the

Commissioner, who sent copies to the Attorney

General.

Q. When you say - this was the

A. Yes sir.

Q. And he in turn sent copies to the Attorney General's Department?

A. Yes, sir.

Q. And at what time were those copies forwarded to the Attorney General's Department?

A. It would be about three days later. I am not certain.

Q. That is somewhere short - some days shortly after May 12th, 1961?

A. Yes, sir.

Q. And was the matter, or any of the matters referred to in that statement ever brought to your attention again after that date? I will direct your attention particularly to the matters referred to in the last two sentences in paragraph 1, and I should say the last three sentences in paragraph 1.

A. Yes, sir, they were.

Q. By whom?

A. Following this, did you say?

Q. Yes?

A. No, it was before this date.

Q. Well, let's be sure we are - we are directing our attention - the paragraph that I mentioned starts with the words:

"Cyril Clark, Reeve of Chinguacousy
"Township came to Reeve Speck,"

and from there to the balance of that paragraph. Now, did you make any investigation of those statements at all after that?

A. I haven't - haven't the paragraph you are referring to yet, sir.

Q. Well, let's - -

THE COMMISSIONER: Well, look at the - it would be easier if you look at the typed copy.

A. Yes, sir.

MR. WILSON: I have the typed copy.

A. In 1960, is that what - -

MR. WILSON: Well, let's just be clear about it. It starts with the word Cyril Clark, Reeve of Chinguacousy Township came to Reeve Speck in the early part of 1960, and asked him to have me tell him when we were going to raid. I told him we were expecting a hearing by the Deputy Provincial Secretary in 1960. Reeve Speck told him two Provincial Government members, and an official of the Attorney General's Department were connected with the Vets Club.

Now, those are the sentences I am directing your attention to. Did you make any further investigation in regard to the statements appearing in those three sentences after receiving that statement?

A. After receiving this statement?

after receiving that statement?

A. I have not.

Q. Did you make any investigation of those statements at all after that?

A. I haven't - haven't the particulars you are referring to yet, sir.

Q. Well, here - -

THE COMMISSIONER: Well, look at the - - it would be easier if you look at the typed copy.

A. Yes, sir.

MR. PILDON: I have the typed copy.

A. In 1960, is that what - -

MR. MILDON: Well, let's just be clear about it. It starts with the word Cyril Crank, Grove of Chrysanthemum Township came to Power Speak in the early part of 1960, and asked him to have us tell him when we were going to mail. I told him we were expecting a hearing by the Deputy Provincial Secretary in 1960. Power Speak told him the Provincial Government members, and an official of the Attorney General's Department were connected with the Vets Club.

Now, those are the sentences I am directing your attention to. Did you make any further investigation in regard to the [illegible] after receiving that statement?

Q. Yes?

A. I didn't.

Q. Well, a moment ago you said something about having made some investigation along this line earlier?

A. I had been given some information along those lines earlier.

Q. By whom?

A. By Chief McGill.

Q. And had you made any investigation?

A. No, sir.

Q. None at all. And the - did he when I say,he, did Chief McGill ever name any names?

A. No, sir, he didn't.

Q. Did he tell you that there were certain rumours then, or what was he talking about?

A. I don't recall himmentioning rumours at all.

Q. But surely it was a matter of considerable interest. Did you ask him - -

A. Of considerable interest and grave importance.

Q. Well, I would think so, and did you ask him if he knew what names were involved?

A. Yes, I did, and he said he didn't.

Q. Now, you are directing your testimony to the - to the question of the interest

of Provincial Government members, or members of the Attorney General's Department in the affairs of the Yets Club?

A. To everything.

Q. Well, to everything?

A. Yes, sir.

Q. What do you mean by that?

A. All those three items.

Q. Well, when you say all those three items, what are the three items that you are speaking about?

A. The Attorney General's Department.

Q. Yes?

A. Government members, and the Yets Club.

Q. Yes. Well, now, first, let's- let's hear what he said about the Attorney Genesal's Department?

A. He said only about the Attorney General's Department to me what is in here, and what he said to me before, which was in July or August, 1960.

Q. Yes, and what did he say about the Yet's Club?

A. He said substantially the same as he has testified today about the Yets' Club.

Q. About the Yet's Club. Now, what did he say, if anything, about any Provincial Government members?

of Nevada's Government documents, do anywhere of the Yerba Diaz?

A. To everything.

Q. Well, to everything?

A. Yes, sir.

Q. What do you mean by that?

A. All human issues.

Q. Well, when you say all those issues, what are the three issues that appear most?

A. The Attorney General's Department, Government documents, and the Yerba Diaz.

Q. Okay, now, Virgil Dawson, let's just talk about the Attorney General's Department to me right now. What do you mean by that?

A. We would only check the Attorney General's Department to see what is in here, what else he would do on Monday, watch what is duly or August, 1980.

Q. Yes, and what did he say about the Yerba Diaz?

A. He said unfortunately the same as he has testified today about the Yerba Diaz.

Q. Repeat the Yerba Diaz.

A. To everything.

Q. Well, to everything?

A. Yes, sir.

Q. What do you mean by that?

A. All human issues.

Q. Well, when you say all those issues, what are the three issues that you are speaking about?

A. The Attorney General's Department, Government documents, and the Yerba Diaz.

Q. Okay, now, Virgil Dawson, let's just talk about the Attorney General's Department to me right now. What do you mean by that?

A. We would only check the Attorney General's Department to see what is in here, what else he would do on Monday, watch what is duly or August, 1980.

Q. Yes, and what did he say about the Yerba Diaz?

A. He said unfortunately the same as he has testified today about the Yerba Diaz.

Q. Repeat the Yerba Diaz.

A. To everything.

Q. Well, to everything?

A. Yes, sir.

Q. What do you mean by that?

A. All human issues.

Q. Well, when you say all those issues, what are the three issues that you are speaking about?

A. The Attorney General's Department, Government documents, and the Yerba Diaz.

Q. Okay, now, Virgil Dawson, let's just talk about the Attorney General's Department to me right now. What do you mean by that?

A. We would only check the Attorney General's Department to see what is in here, what else he would do on Monday, watch what is duly or August, 1980.

Q. Yes, and what did he say about the Yerba Diaz?

A. He said unfortunately the same as he has testified today about the Yerba Diaz.

A. Just what he has - what is reported here, that he didn't know who they were, but that Reeve Speck had told him that these persons were involved.

Q. Now, have you any - -

THE COMMISSIONER: Now, just a moment. Now, when did he tell you that? About July or August, 1960, is that the first time?

A. Yes, sir.

THE COMMISSIONER: What was it, that there were two Provincial Government members, and an official of the Attorney General's Department connected with the Yet's Club, is that what he told you? Don't look at that. Is that what he told you?

A. Not in July, 1960.

MR. WILSON: Well, what did he tell you in July, 1960?

THE COMMISSIONER: Let me see that.

A. It is not the same.

Q. What did he tell you in July, 1960?

A. Do you want the whole conversation, sir?

THE COMMISSIONER: All right.

A. In July, 1960, at quarter to two, - --

Q. Where?

A. I am coming to that, sir.

THE COMMISSIONER: Oh, I see. I beg your pardon.

A. Chief Constable McGill came into my office at General Headquarters, and said that there was - -

Q. What date?

A. It was July or August. May I refer to my notes?

THE COMMISSIONER: Yes, certainly.

A. It was on August the 15th, sir.

Q. Yes?

A. And he told me that he had been talking to Bill Davis, who was the member, and he said that Bill Davis had been talking to Mr. Frost, and he said that a former member of the Legislature had been responsible for keeping the club open. He said this former member often came to his, Chief McGill's office. He said that Bill Davis had told him then that found-ins were not questioned further at Brampton through instructions of this former member, through Queen's Park, through the Attorney General.

THE COMMISSIONER: Was that all he told you at that time?

A. Yes, sir.

Q. All right.

MR. WILSON: Was that entry made on the day of the meeting you had with Chief Constable

McGill?

A. Yes, sir.

Q. And I think we should have that. What is that? That is your police diary for what year?

A. 1960, sir.

THE COMMISSIONER: That will be Exhibit 31?

MR. WILSON: 31, yes.

THE COMMISSIONER: Hang on to that.

---EXHIBIT NO.31: Police diary of H.H.Graham for the year 1960.

MR. WILSON: I think I would like to see that, if I may. You can - -

MR. MacKINNON: What exhibit number is that?

MR. WILSON: 31.

What was the purpose of Chief McGill's visit to your office on August 15th, 1960?

A. To give me that information that is recorded in my diary.

Q. And had you any prior knowledge that he was coming to your office to give you that information?

A. None whatever.

Q. Had you made any inquiries of him in regard to the matter prior to that date?

A. Yes, I had.

Q. Starting at what date?

A. It was about July of 1960.

Q. July of 1960, and did those inquiries all stem from the arrest of Wright?

A. Yes, sir, they did.

Q. Former Constable Wright, and what - what led up to the - this type of inquiry that caused you to get in touch with Chief Constable McGill? What facts had come, or what information had come to your attention?

A. Certain information as reported in Provincial Constable Scott's reports from February the 5th until the end of May of 1960.

Q. Yes. So it was some information that you found in these reports made by Constable George Scott in that period?

A. Yes, sir.

Q. That caused you to make these further inquiries?

A. Yes, sir.

Q. And following that date you - did you make any report to the Commissioner on the information?

A. Yes, sir.

Q. Is it a written report?

A. No, sir.

Q. That was a verbal report at that time?

A. Yes, sir.

A. Yes, sir.

Q. And what action, if any, did the Commissioner take, to your knowledge, at that time?

A. The Commissioner and I later discussed the matter with the Attorney General and Mr. Common.

Q. And can you fix the - the time when you had that discussion with Mr. Common and the Attorney General on which - first, before you start with that date, the Attorney General in November of 1954 was - - -

A. Mr. Porter.

Q. Mr. Porter. Yes. Now, the meeting you are now speaking of would be with the present Attorney General, Mr. Kelso Roberts, and his deputy, Mr. Common?

A. Yes, sir.

Q. Can you turn up from your diary, the date of that meeting?

A. I told Mr. Common on Wednesday O - -

THE COMMISSIONER: What date?

A. December 21st, 1961.

MR. WILSON: And what is the entry? You are now looking at your police diary for 1961?

A. Yes, sir.

Q. And will you just read what entry you made at that time?

A. 9:30 a.m. reported for duty at office. 1:30 p.m., conferred with Mr. Common re

information of Chief McGill re Brampton questioning of found-ins.

MR. MacKINNON: Excuse me just a moment. Should Chief McGill be excluded for this type of evidence.

THE COMMISSIONER: Yes.

MR. WILSON: Is he in the - yes, he is.

THE COMMISSIONER: Will you leave the courtroom, Mr. McGill, and the officer will show you where you will be comfortable outside.

MR. WILSON: Over a little, officer. Hold it comfortably there.

A. 2:30 p.m. returned to office. 5:00 p.m. went off duty, and then there is this - -

Q. Have you got a further entry on it?

A. Yes, sir. On Friday, December 22nd, 1961, 9:40 a.m., accompanied Commissioner to office of A.G. re conference with Mr. Roberts, Mr. Common, Mr. Bowman, and Commissioner re 1464 membership list, and also Brampton questioning of found-ins 1954 re information received from various sources.

Q. Now, what was the - -

THE COMMISSIONER: Better put the diary in.

MR. WILSON: Yes. That will be Exhibit 32.

---EXHIBIT NO.32: Police diary of H.H.Graham, for the year 1961.

MR. WILSON: Now, I don't think you told us about what information Chief Constable McGill gave you about the questioning of the found-ins in 1954 in your evidence so far, have you?

A. Yes, I have, sir.

Q. Well, what did you say about that?

A. He said the questioning was stopped as a result of a telephone call - - -

Q. Yes?

A. - - through a former member through the Attorney General.

THE COMMISSIONER: I didn't get that. My fault.

A. He said the questioning at Brampton - -

THE COMMISSIONER: The questioning? Who are you talking about now?

MR. WILSON: This is McGill he is talking about?

A. Chief Constable McGill, talking to me in 1960, sir.

THE COMMISSIONER: Yes. Now, we will get the date. That is in August?

A. August of 1960.

Q. Just a moment. What did he tell you?

A. He said that the questioning of the found-ins at Brampton - -

THE COMMISSIONER: Yes?

A. Had been stopped.

THE COMMISSIONER: Yes.

A. Through a former member of the Legislature.

THE COMMISSIONER: Yes?

A. Through a telephone call from the Attorney General to Brampton.

MR. WILSON: Did he - - -

THE COMMISSIONER: Just a moment. Through a telephone call from?

A. The Attorney General.

Q. The Attorney General?

A. Yes, at that time, sir.

Q. Yes?

A. That is what he said.

MR. WILSON: Now, when he told you -- did he tell you what the source of this information -

A. Yes.

Q. - - was that he was giving you?

A. Yes, sir.

Q. And what did he say the source of it was?

A. He said he had been told by Bill Davis.

Q. And what was Bill Davis? Who was Bill Davis?

E/5

A. Bill Davis is the present member of the Legislature for the County of Peel.

Q. Yes, and did he tell you whether or not Davis was giving this information based on something somebody had told him, or of his own knowledge?

A. From something that Bill Davis had been told - -

Q. By?

A. By some other person.

Q. By some other person; and did he tell you - -

THE COMMISSIONER: Just a moment. He said he had been told by Bill Davis, who inturn had beentold by someone else?

A. Yes, sir.

THE COMMISSIONER: Who was the someone else?

A. Mr. Frost.

MR. WILSON: Now, is there anything else that he told you about that particular incident on that occasion that you have not yet testified to?

A. Well, he said he had gone to Bill Davis, and asked him to take some action to assist him to put this club out of business.

Q. He had gone to Bill Davis?

A. Yes, sir.

Q. And what - what did Bill Davis do?

A. And that Bill Davis had gone to Mr. Frost.

Q. Had gone to Mr. Frost?

A. Yes, sir.

Q. Did he say that Bill Davis had cooperated, or had failed to cooperate in trying to put it out of business?

A. Had fully cooperated with him.

Q. Had fully cooperated with him. Now, did he say anything further about Bill Davis?

A. Not that I can recall, sir.

Q. And at the time you had the meeting with Chief Constable McGill in July of 1960, the charter of the Centre Road Veterans Association had already been cancelled?

A. Yes, sir, it had been.

Q. And at the meeting that you had with the Attorney General and Mr. Common, was any decision arrived at, or any instructions given to you as to any further investigation of the matter?

A. No, sir.

THE COMMISSIONER: Now, he told you all this in August, 1960, and you had your discussion with - -

MR. WILSON: July of 1960.

THE COMMISSIONER: August, 1960. August 15th, you said.

A. Yes, sir.

THE COMMISSIONER: Yes, and then you had the discussion with Attorney General Roberts, and with Mr. Common, in December, 1961?

A. Yes, sir.

THE COMMISSIONER: Yes. Did you tell them what McGill had told you?

A. Yes, sir.

MR. WILSON: Could I have those two diaries, please? Mr. MacKinnon, could I have the diaries please?

THE COMMISSIONER: What did they say to that? Take them one at a time. I don't care which one you begin with.

A. Well, Mr. Common is the first one I told.

THE COMMISSIONER: Yes.

A. And Mr. Common took notes of what I had said to him. He said - I told him that had been given to me in confidence.

THE COMMISSIONER: By McGill?

A. Yes, sir.

THE COMMISSIONER: By McGill?

A. Yes, sir, that it had been given to me in confidence, but I had information that Chief McGill was determined to tell all he knew, and also the Royal Commission had been ordered at this time, and I thought that Mr. Common should know about it. I told him that.

THE COMMISSIONER: Yes?

THE COMMISSIONER: Yes, and then you

and with Mr. Cameron, in December, 1911?

A. Yes, sir.

THE COMMISSIONER: Yes. And you tell

them what would had told you?

A. Yes, sir.

MR. KILGOUR: Could I have those two

[illegible], please? Mr. Beckstead, could I have

the Sharpe pleas?

THE [illegible] was did they say

to them? Their plan was as a plan. I don't

care whether one you begin with.

A. Well, Mr. Commander the first one

I said.

THE COMMISSIONER: Yes.

A. And Mr. Cameron then before he

what I had said to him. He said - I told him

that had been given to me in confidence.

BY

THE [illegible]: [illegible]

A. Yes, sir.

MR [illegible]: By [illegible]

Q. Yes, sir, that it had been

given to me in confidence, but I had information

that Haley Mosill was determined to tell all

he knew, and also the legal convictions had been

ordered at this time, and I thought that Mr.

Cameron should know about it. I told him that.

THE [illegible]: Yes?

A. Mr. Common made notes. He was astounded. Said he had been in the service, I think, for 35 years.

THE COMMISSIONER: Yes?

A. And that he had always enjoyed a good reputation.

THE COMMISSIONER: Yes?

A. That was all I can remember, sir.

THE COMMISSIONER: That is all that he said?

A. Yes, sir.

THE COMMISSIONER: What did Mr. - -?

A. He was - pardon me. He was anxious to go to lunch. This was, I think, about 1:30 and I just caught Mr. Common leaving the office.

THE COMMISSIONER: Well, did you discuss - I thought you said you discussed - the impression I had was that you discussed it with Mr. Common and Mr. Roberts together?

A. No, sir. Well, first of all Mr. Common, and then two days later, Mr. Common and Mr. Roberts, and Mr. Bowman, with the Commissioner.

THE COMMISSIONER: Oh, I see, and all that information, did you repeat to all three what McGill had told you in August, 1960?

A. Yes, sir.

THE COMMISSIONER: And what was their reply?

Take one at a time. I don't care which one you start with?

A. Well, Mr. Roberts and I were doing all the talking at this - at this point, Mr. Roberts asked me to repeat it two or three times.

THE COMMISSIONER: And did you?

A. Yes, sir.

Q. And what was his reply? Just the substance of it?

A. I think that he - the substance of it was that he would look into the matter himself. Mr. Roberts said that he had the greatest confidence in all his legal staff.

THE COMMISSIONER: Yes? Anything else?

A. Not that I can recall, sir.

Q. What did Mr. Common have to say on that occasion? Anything?

A. No, Mr. Roberts, I recall, became a little confused with my story, and Mr. Common corrected him, and told him it was the same story that I had told with the assembled group as I had told Mr. Common two days earlier.

THE COMMISSIONER: Yes. What was Mr. Bowman's observation?

A. I don't recall Mr. Bowman's observation, sir.

THE COMMISSIONER: Now, does that clean up that interview?

A. Yes, sir. Well, there was a further discussion at that interview about the membership list of the Yet's Club, which was seized on September 17th, 1960, from the home of George Reid.

THE COMMISSIONER: Seized on what date?

A. September 17th, 1960.

THE COMMISSIONER: Now, where was it at the time of your discussion with Mr. Roberts, Mr. Common, and Mr. Bowman?

A. The list itself was in our - in the possession of the Ontario Provincial Police, but Mr. Roberts had a copy of it.

THE COMMISSIONER: How did he get a copy?

A. Through requesting it from - I am not sure which officer it was requested from.

Q. Well, in any event, you had the original list that had been seized, and a copy had been given to Mr. Roberts?

A. Yes, sir.

MR. WILSON: Do you know when Mr. Roberts got the copy?

A. I think it was after Mr. Wintermeyer's speech.

Q. Yes. Now - - -

THE COMMISSIONER: Just a moment. And you had that copy, I suppose, in front of you

A. Yes, sir. Well, there was a
[illegible discussion at first between myself the
municipal Star of the Day's Work, which was
solved on September 17th, 1900, from the pens of
George Reid.

THE CHAIRMAN: Seized on what
date?

A. September 17th, 1900.

[illegible] Mr. Warren had it
at the time of your discussion with Mr. Hepburn,
Mr. Cowan, and Mr. Lumsden?

A. The Link should go in our -
[illegible] Public, but Mr. Hepburn had a copy of it.

[illegible]

A. Through requesting it from -
I am not sure which office it was requested from.

Q. Well, in any event, you had
the original Star that had been seized, and a
copy had been given to Mr. Hepburn?

A. Yes, sir.

MR. WILSON: Do you know when Mr. Hepburn
got the copy?

A. I think it was after Mr.
[illegible]'s assault.

Q. Yes. Was - - -

THE CHAIRMAN: Just a moment.

And you had that copy, I suppose, in front of you

during this discussion, did you?

A. Mr. Roberts did, sir.

THE COMMISSIONER: What was the nature of the discussion concerning that list?

A. Well, there was some discussion about the 1400names that were on it, and about whose names they were.

THE COMMISSIONER: Yes? Anything else?

A. No, sir.

THE COMMISSIONER: You haven't got that.

MR. WILSON: Yes, Mr. Commissioner, I have a copy of the list.

THE COMMISSIONER: I haven't seen it.

MR. WILSON: We will have it available after the adjournment.

If I may, I would like to probably get the chronology of events. Just to sum this up in a minute or two, the facts were first given to you by Chief Constable McGill in August 15th, 1960. I will give you this. I am referring you to Exhibit No.31.

A. Yes, sir. Earlier, before that, Staff Sergeant Anderson and I had interviewed Chief Constable McGill.

THE COMMISSIONER: When?

A. On July 5th, 1960.

THE COMMISSIONER: Just a moment.

MR. WILSON: Where did that take place?

A. In the Toronto Township Police office.

THE COMMISSIONER: That would be this office, then, would it?

A. Yes, that was in the Chief's office.

THE COMMISSIONER: Yes.

A. And it was in the presence of Deputy Chief Kivell.

THE REPORTER: Deputy Chief ?

A. Kivell. K-i-v-e-l-l.

MR. WILSON: And what information did you obtain from him on that occasion?

A. I told him that certain statements had been made by our Constable Wright to Constable Scott during Constable Scott's investigation about various - statements about various people, and while we realized that many statements might be untrue, we were trying to get to the bottom of the matter at any rate, and I asked him about the Yet's Club, and if any offer had ever been made to him, or any bribe attempt had ever been made, and he said only on two occasions, and those were by - those were made by Jack Laffrede, brother of Angelo Laffrede, the steward of the Yet's Club. The Chief said that Laffrede had come to his home on two Sundays in December of 1958, and that on each occasion offered him a case of Crown Royal, and

a case of Black and White.

THE COMMISSIONER: Were you here yesterday, Mr. Graham, when McGill was giving his evidence?

A. Yes, sir.

THE COMMISSIONER: Well, was what he said on July 5th, 1960, with respect to that substantially what he said here yesterday?

A. Yes, sir. He said he had reported the matter to Crown Attorney Davis.

THE COMMISSIONER: Yes.

A. He said he didn't - the Chief said that he didn't know either Feeley or McDermott.

THE COMMISSIONER: Yes.

A. The Chief said that Bob Speck had told him that there were two or three in the Government connected with the Yet's Club, and that one was high in the Attorney General's Department.

THE COMMISSIONER: Yes?

A. Our conference was cut short, because I had - I received a call from my office saying that Income Tax Officials from Ottawa were waiting for me at the office, and I believe that is the reason that the Chief McGill came in to see me a month later.

MR. WILSON: I wonder - you are referring to notes in your little personal diary, is it?

A. Yes, sir.

Q. Under date of July 5th 1960?

A. Yes, sir.

Q. I wonder if we could take that page out?

A. Yes, sir.

Q. And file it as an Exhibit?

A. Yes, sir.

---Witness extracts sheet from personal diary.

MR. WILSON: Thank you. Now, following the meeting in your office - -

THE COMMISSIONER: Just a moment. Exhibit 33. We better get it marked now, before it is lost, or confused with something else. Is the date shown on that?

MR.WILSON: July 5th, Mr. Commissioner, 1960.

THE COMMISSIONER: Yes.

---EXHIBIT NO.33: Sheet extracted from personal diary of H.H.Graham with the date July 5th, 1960.

THE COMMISSIONER: Well, did you want to ask him - - -

MR. WILSON: Well, I just - -

THE COMMISSIONER: We will adjourn in a few minutes.

MR. WILSON: Yes. Well, just one or two questions. Following your meeting at the

headquarters with Chief Constable McGill on August 15th, 1960, you reported the matter verbally to the Commissioner?

A. Yes, sir.

Q. There was no written report?

A. No, sir.

Q. And no communication by you with the Attorney General's Department?

A. No, sir.

Q. And the first communication you had with the Attorney General's Department following August 15th, 1960, was on the date of - -

A. That is right.

Q. December 20th, 1961?

A. Yes, sir.

Q. And then there was a further discussion at the Attorney General's office on December 22nd, 1961?

A. Yes, sir.

Q. And the date - - -

THE COMMISSIONER: I thought the first interview was in - on the - - -

MR. WILSON: Wednesday, December - -

THE COMMISSIONER: The first interview was with Mr. Common, was it?

A. Yes. Yes, sir.

THE COMMISSIONER: That was what date?

A. On December 20th.

MR. WILSON: December 20th.

THE COMMISSIONER: And the next interview?

MR. WILSON: The next one was December 22nd, at which there was present the Attorney General, Mr. Common - - -

THE COMMISSIONER: Yes. Thank you.

MR. WILSON: Mr. Bowman.

THE COMMISSIONER: I wanted to have the correct date.

MR. WILSON: And the Commissioner?

A. Yes, sir.

Q. That is Commissioner Clark?

A. Yes, sir.

MR. WILSON: Yes. Then, the only other, just so that we will have the relevant dates clear, the date of the Wintermeyer speech was November 29th, 1961, and the date of this Royal Commission was December 11th, 1961, so that the interviews you had with Mr. Common and then with the larger group followed both the speech and the issue of the Royal Commission?

A. Yes, sir.

THE COMMISSIONER: Adjourn until 2:15 - 2:20.

---Whereupon the hearing adjourned at 1:08 p.m.

(Page 645 follows)

AA

--- On resuming at 2.22 o'clock P.M.

--- The witness resumes the stand.

MR. WILSON: Q. I take it that any follow-up you made of the information that Chief Constable McGill had given you on August 15th, 1960, did not take place until after the Wintermeyer speech?

A. I didn't report it until after the Wintermeyer speech.

Q. No.

A. During my other investigations in the Wright case, of course, I had this always in mind.

Q. It was not information that you could make use of, I take it, in the Wright case? When I say "Wright", I mean the Wright, Feeley and McDermott case?

A. The information as it was given to me, no, sir.

Q. No. You have had dealings, I take it, with the senior legal personnel of the Attorney General's Department over what period of years?

A. For 21 years.

Q. Yes. Now, you are familiar with the Terms of Reference here, and I am directing your attention to the second heading. Have you any knowledge of any improper relationships, as alleged by the

--- On resuming at 2.30 o'clock P.M.

Leader of the Opposition in his speech of November 29, 1961, between Senior officials of the Legal Staff of the Department of the Attorney General between any person or persons generally? Can you answer that question?

A. Yes. I have no knowledge.

Q. And, particularly relating to the termination of investigations?

A. I have no knowledge of that.

Q. Have any of them ever interfered with any of your investigations?

A. No, sir, they have always co-operated fully.

Q. Have you any knowledge of suppression of evidence onthe part of any of the senior legal personnel?

A. No, sir, I have not.

Q. Have you any knowledge of the improper payment of money to any of the senior legal personnel of the Department of the Attorney General?

A. No, sir, I haven't.

Q. Is there any further information you can give us about the facts as disclosed to you by Chief Constable McGill which you related this morning, or have you given us pretty well the whole story?

A. I have given you the whole story, sir.

Q. Yesterday it was decided to have the late Inspector Tomlinson's diaries examined to see if there was any reference to the examination of witnesses at the Brampton Court House on November the 24th, 1954. Did you make such an examination?

A. Yes, sir.

Q. And did you find any reference in those diaries to the examination on that date?

A. No, sir.

THE COMMISSIONER: Q. You did not examine the diary?

A. I did examine it but I found no reference.

MR. WILSON: Q. You examined the diaries for what years?

A. 1954 and 1955.

Q. And you have one of them in your hands now, the original police diary of the late Inspector Tomlinson?

A. Yes, sir, for 1954.

Q. Do you find any reference there to the incident at all?

A. I find reference to the raid but not to the questioning of found-ins.

Q. Under what date do you find reference to the raid?

A. Wednesday, November 24.

Q. And what is the entry read --

or, how does it read?

A. "7:00 A.M. On Duty Office.
"Administrative Duties. Called by
"'Star' & 'Telegram' re raid Alpha
"Club premises. Lecture to class -
"Disorderly Houses - Correspondence,
"Etc. 6:00 P.M. Off Duty."

Will I read the whole page, sir?

THE COMMISSIONER: Yes.

A. "At office - Check Montreal
" Telephone Directives at Royal
"York Hotel re Exchanges etc.
"9:30 P.M. Off Duty"

Q. Anything on November 25?

A. Yes, sir. "7:50 A.M. - "

Q. Anything relative to the raid on November 24?

A. No, sir.

Q. Or on any succeeding days?

AA2 A. On November 27th:

"10:00 A.M. Checked mail at G.H.Q.
"correspondence at office etc.
"Report re Army, Navy and Air Force
"Veterans - Execution of Order to
"Search 12:00 noon."

Then, on Sunday, November 28:

"4:30 P.M. On Duty Correspondence
"re reports etc. re raid on premises
"Army, Navy & Air Force Veterans Club.
"Middle Road. 4:30 - 7:00 P.M."

I find no further references.

THE COMMISSIONER: Put that in as Exhibit 34, which will be the diary of 1954. Tomlinson's diary for 1954.

--- EXHIBIT NO. 34: Police Diary of Inspector Tomlinson for 1954.

Then, Exhibit 35 is the diary for 1955.

--- EXHIBIT NO. 35: Police Diary of Inspector Tomlinson for 1955

Very well.

MR. WILSON: Q. Before we leave the diary of 1954, Exhibit 34, there are three loose documents in the front which seem to have no relationship to any problems we have here. Two are statements of monthly earnings and the other is a receipt for a refund from the Attorney General's Department.

I do not know whether you want those filed as part of the exhibit?

THE COMMISSIONER: They do not appear to have anything to do with this.

MR.WILSON: Yes. I just thought they might get lost.

Q. Before we leave Exhibit 34. I notice there are a lot of coloured pieces of papers in it at various places in the diary. What is the significance of those?

A. Those are placed wherever there are references to gaming houses and

gambling.

Q. Is that also true of the coloured papers that appear in Exhibit 35?

A. Yes, sir.

Q. I have here the annual reports of the Commissioner of the Ontario Provincial Police. The first is for the period January 1, 1952, to December 31, 1952. They follow through year by year until the last one, which is January 1st, 1960 to December 31st, 1961. There are --

THE COMMISSIONER: The first is what?

MR. WILSON: January 1st, 1952.

THE COMMISSIONER: The 1951 report?

MR. WILSON: That would be the 1952 report, January 1st, 1952,to December 31, 1952.

THE COMMISSIONER: And the last?

MR. WILSON: And the last would be the 1960 report. So, it would be the years 1952 to 1960 inclusive.

THE COMMISSIONER: Mark those as Exhibit 36(a), (b), (c), (d), (e), (f), (g) (h), (i).

--- EXHIBIT NO. 36(a): Annual report of the Commissioner of the Ontario Provincial Police, Covering the period January 1, 1952, to December 31, 1952.

--- EXHIBIT NO. 36(b): Annual report of the Commissioner of the Ontario Provincial Police covering the period January 1, 1953 to December 31, 1953

question.

Q. Is there also true of the

enjoyed persons there nowhere in Exhibits 300

A. Yes, sir.

Q. I have here the annual report

of the Commissioner of the Internal

Police, for the year ending the 14th

I, 1962, to December 31, 1962. They

Police through 1962 by even until the 14th

one, which is January 1st, 1962 to December

31st, 1962. There are --

MR. KLEINDIENST: January 1st, 1962.

MR. GOLDBERG: That would be the 1962

report, January 1st, 1962, to December 31, 1962.

MR. KLEINDIENST: And the Court

MR. GOLDBERG: And the Court would

the 1962 report. So, it would be the years

1962 to 1962 inclusive.

MR. KLEINDIENST: Your Honor,

Exhibit 30-A(1), 30-A(2), 30-A(3), 30-A(4),

30-A(5), 30-A(6), 30-A(7), 30-A(8), 30-A(9),

30-A(10), 30-A(11), 30-A(12), 30-A(13).

--- Exhibit No. 30-A(1): Annual Report of the Commissioner of the Internal Police of the United States for the period January 1, 1962, to December 31, 1962

--- Exhibit No. 30-A(2): Annual report of the Commissioner of the Internal Police of the United States for the period January 1, 1962, to December 31, 1962

--- EXHIBIT NO. 36(c): Annual report of the Commissioner of the Ontario Provincial Police for period January 1, 1954 to December 31, 1954

--- EXHIBIT NO. 36(d): Annual report of the Commissioner of the Ontario Provincial Police for period January 1, 1955 to December 31, 1955

--- " (e): Annual report of the Commissioner of the Ontario Provincial Police for period January 1, 1956 to December 31, 1956.

" (f): Annual report of the Commissioner of the Ontario provincial Police for period January 1, 1957 to December 31, 1957

" (g): Annual report of the Commissioner of the Ontario Provincial Police for period January 1, 1958 to December 31, 1958

" (h): Annual report of the Commissioner of the Ontario Provincial Police for period January 1, 1959 to December 31, 1959

" (i) Annual report of the Commissioner of the Ontario Provincial Police for period January 1, 1960 to December 31, 1960.

AA3

MR. WILSON: Now, in each of these Annual Reports, there is a reference to the

various branches, including the Anti-Gambling Branch?

A. Yes, sir.

MR. WILSON: In some years, Mr. Commissioner, there is no reference specifically to the problem of these Clubs with relation to the Anti-Gambling branch, but in the report for 1955 - I have had the reference in that particular report under the heading of Anti-Gambling Branch copied - near the end of the report for that year there appears the following two paragraphs. It is on the third page of the document I have handed to you.

"During the year, the premises, "formerly occupied by a gambling "syndicate, at the rear of the old "Thorncliffe Race Track, in the "Town of Leaside, and which has "been closed since approximately "1942 when the Anti-Gambling Branch "first came into being, re-opened "under the name of the Orillia "Athletic and Social Club - a Federal "Charter which had been in use in the "Town of Orillia originally. "Observations were kept of the "premises and subsequently the "operators and found-ins charged and "brought before the Court. During

"the course of the trial, which
"lasted over a period of a few
"weeks, telephone calls were
"received by the Magistrate, Crown
"Attorney, Assistant Crown Attorney
"and a Toronto Evening Newspaper
"representative, from an unknown
"party, stating that he was a
"member of the Ontario Provincial
"Police Force and demanding that a
"conviction be registered. On
"Friday, October 21st, 1955, the
"charges against the accused were
"dismissed. On Monday, October 24th,
"1955, the premises was mysteriously
"burned and, to this date, has not
"been rebuilt.

" The three major gaming houses -
"one in Toronto Township, County of
"Peel, one in Bertie Township, County
"of Welland, and one in Sandwich
"South Township, County of Essex,
"are still in operation and, as has
"been noted in the past, they operate
"under the guise of a Federal Charter,
"using 'parking attendants' as
"look-outs, and heavily reinforced
"doors and barricaded windows to
"obstruct entry. Attempts have been
"made in the past to gain entry to

"these premises and every attempt
"will be made in the future to bring
"out the true facts surrounding these
"so-called legitimate Clubs."

Now, that appears to be the most significant reference in the reports which have just been filed.

THE COMMISSIONER: Q. That is from what year?

A. 1955, my lord.

MR. WILSON: Possibly for convenience that might be filed as a separate exhibit.

THE COMMISSIONER: That might be attached to the report for 1955. I do not know what letter that will be. That will be (d). Attach that to Exhibit 36 (d).

--- EXHIBIT NO. 36(d): (Cont'd) Excerpt from the report of the Commissioner of the Ontario Provincial Police for the year 1955 with respect to the Anti-Gambling Branch.

MR. WILSON: Q. Just so we will understand the procedure in relation to these reports: I understand that they are forwarded by the Commissioner to theAttorney General --

A. Yes, sir.

Q. -- of the Province and, in turn, they are tabled in the Legislature?

A. In the spring of the following year.

Q. In the spring of the following year. Now, there may be other matters I will want to recall you on but I think for the moment that is all.

MR. MacKINNON: Mr. Commissioner, there will be other matters on which I will ask you, sir, to recall this witness. There is a very broad question asked in the course of his questioning, asked by Mr. Wilson of this witness, as to any knowledge he had with relation to the various questions under question 2. I want to leave that for the time being because I think it will necessitate other evidence being put in the box before this witness is recalled.

EXAMINED BY MR. MacKINNON:

Q. I take it, as you advised the Commissioner, that your recollection is quite clear as to what transpired between yourself and Chief McGill on May 12, 1961?

A. Yes, it is.

Q. You state there was no suggestion made by Chief McGill to you that he was only reporting rumours to you?

A. No, sir.

Q. As opposed to rumours, then, these were being made as statements of facts, were they?

A. He was reporting to me what had been told to him as a statement that was a fact, that they had been told to him.

Q. In other words, to clear it up, he was reporting on facts, not rumours, as far as you were concerned?

THE COMMISSIONER: Q. He was reporting that somebody stated it as a fact to him?

A. Yes.

MR. MacKINNON: Q. This Exhibit 30 I believe you stated that you considered it a very important document?

A. Yes, sir.

Q. And a very serious matter. And within a few days the Attorney General's Department would have had a copy of it?

A. I believe so, yes, sir.

Q. Did Mr. Wilson have a copy of this before today?

A. Yes, he did. At least, I left copies with his assistant.

THE COMMISSIONER: Q. Exhibit 30?

A. Yes, sir.

MR. MacKINNON: Exhibit 30.

MR. WILSON: I did receive a copy of that yesterday. I read it for the first time this morning.

THE COMMISSIONER: Q. Is that when he got it?

A. Yesterday, my lord.

Q. Yesterday.

AA4 MR. MacKINNON: Q. After this, as you have stated, was reported to the Attorney General's office, did you have any instructions from the Attorney General or any of his department with regard to the information contained in this exhibit?

A. I had no instructions, no, sir.

Q. But you considered it an important document?

A. Yes, I did.

Q. Were you surprised not to receive any instructions?

A. Well, the matter was still under investigation, the overall Wright, McDermott and Feeley matter.

Q. To go back a year, you stated that after you spoke to Chief McGill on August 15th, 1960, you spoke to the Commissioner?

A. Yes.

Q. And reported orally to him. Do you know what he did with that information?

A. No, sir.

Q. Who was the Commissioner?

A. Wilfred H. Clark.

Q. Did he advise youwhat he intended to do with this information?

A. No, sir.

Q. Did youdiscuss it subsequently with him, as to what he had done with your information, if anything?

A. I don't believe I did.

Q. Now, having received this information, did you, on your own initiative --

THE COMMISSIONER: Just excuse me.

Q. How long after McGill gave you that information did you report it to the Commissioner?

A. The next time I was in his office. I believe it was the next day, or the second day. If I could refer to my diary I think it would help.

MR. MacKINNON: Q. August 15th, I am talking about.

A. August 17th, sir.

Q. As a result of receiving this information on August 15th, 1960, did you interview any of these people named?

A. No, sir.

Q. Did the Commissioner suggest that you not interview these people?

A. No, sir, he did not.

Q. Then, subsequently --

THE COMMISSIONER: Q. Did he discuss the matter with you later?

A. No, sir, I don't believe he did.

MR. MacKINNON: Q. In any event, either

after this date of August 15th, 1960, or after May 12th, 1961, when you had received this written statement from Chief McGill, did you interview Mr. Cyril Clark?

A. No, I did not.

Q. Did you interview Reeve Speck?

A. No, sir.

Q. When you had the interview with the Attorney General and Mr. Common and Mr. Bowman, was it suggested to you you should interview these people?

A. No, sir, it was not.

Q. Was it suggested you should not?

A. No, sir, it was not.

Q. You received no instructions in that connection?

A. No, sir.

Q. Had you been advised prior to May 12th, 1961, that Sergeant Anderson had interviewed Mr. Clark?

A. Yes, sir, I had been. That was regarding gambling in the Veta Club.

Q. Do you know whether Sergeant ---

THE COMMISSIONER: Just a moment.

Q. You were advised by whom?

A. By Sergeant Anderson.

Q. When?

A. I don't know the date, my lord.

Q. In what year?

A. 1960.

Q. That he had --?

A. Interviewed Mr. Clark.

Q. Re what?

A. Attempting to get evidence that there was a bank crap game in the Vets Club in Toronto Township.

MR. MacKINNON: Q. And do you know on whose instructions he did this, or was this on his own initiative?

A. He and I had discussed the matters of evidence to support a gaming charge and we agreed there should be some gamblers who might admit to a bank crap game and, as a result, he teemed up with Inspector Robinson of Toronto Township Police and interviewed several known gamblers.

Q. But this was done on your own initiative?

A. Yes, sir.

Q. Similarly, do you know whether Sergeant Anderson interviewed Mr. Speck?

A. I don't believe he did.

MR. MacKINNON: I wonder, Mr. Commissioner, if you would read the entry of August 15th - I think it is as fresh to you as it is to me - before I go further.

THE COMMISSIONER: Yes, I have read it.

Do you want to leave the name out? Call him Mr. A for the time being.

MR. MacKINNON: I think so. It is a

question of leaving ninety people under a cloud, or what the situation is. But, I am in your lordship's hands.

THE COMMISSIONER: Just give me a moment.

AA 5

You might ask him if Chief McGill told him what is written in this diary.

MR. MacKINNON: The names?

THE COMMISSIONER: No, ask him if McGill told him what the witness has written in the diary.

MR. MacKINNON: Q. Did Chief McGill advise you on August 15th what you have written in your diary?

A. Yes, sir.

Q. For that date?

A. He did.

Q. And this is a correct account?

A. Yes, sir.

THE COMMISSIONER: What date is that in the diary?

MR. MacKINNON: Monday, August 15th.

THE WITNESS: 1960.

MR. MacKINNON: Where do I go from here, Mr. Commissioner?

THE COMMISSIONER: I do not know.

MR. MacKINNON: I do not want any accusations directed at me.

THE COMMISSIONER: Naturally.

What is written there is that "He

told me that B told him, or C had told B". It is not only second hand, it is third and fourth hand.

MR. MacKINNON: We are going tohave the second hand here.

THE COMMISSIONER: It may turn out none of it is true and if all that is read in now and spread on the record and published by the press, all the denials later will not suffice.

MR. MacKINNON: Mr. Davis' name has already been mentioned.

THE COMMISSIONER: I know Mr. Davis' name has already been mentioned. Yes, that particular Mr. Davis.

MR. MacKINNON: And the son as well.

This, obviously, has to be gone into in some fashion.

THE COMMISSIONER: We will go into it but we had better get the first hand.

MR. MacKINNON: And some of these other people named.

THE COMMISSIONER: That is right.

I have read that in other jurisdictions these precautions were not taken and sometimes reputations were ~~xxxxxxx~~ ruined.

MR. MacKINNON: That is not my purpose.

THE COMMISSIONER: I appreciate that.

You agree with me, that great precaution should be taken?

MR. MacKINNON: That is the basic reason I raised it. I want your guidance on this matter. I realize full well, sir, you intend to go into this but there is a right way and a wrong way of doing it.

THE COMMISSIONER: That is right.

MR. MacKINNON: Q. So far as your entry on August 15th is concerned, I take it that you went over this with the Attorney General for this province, Mr. Common and Mr. Bowman at this meeting you had with them on December 22nd?

A. 22nd, 1961.

Q. 1961?

A. Yes, sir.

Q. You did. Was there, if I can phrase it broadly, a denial of these statements or only the suggestion they would examine further?

THE COMMISSIONER: Well, I tried to pinpoint it, what did Mr. Common say, what did Mr. Roberts say, and so on; and they did not sing out a chorus. You put the question to him.

MR. MacKINNON: Q. Was there any indication to you at that time that this -- that they had heard of this story, if I can so describe it,before?

A. Not this particular story, but I knew that they had heard of other stories

along the same line in May of 1960.

Q. How did you know that?

A. Through the Commissioner.

Q. And what was that that you heard, once again being very careful about names in this connection, at this time, if that does not circumscribe you too much?

THE COMMISSIONER: Q. You got some information from the Commissioner?

A. Yes, sir.

THE COMMISSIONER: You had better get it from the Commissioner.

MR. MacKINNON: May I ask this:

Q. Witness, this was the Commissioner reporting to you on an interview he had with the Attorney General?

A. Yes, sir.

Q. Is that in your diary as well?

A. No, I don't believe it is. There are references to conferences with the Commissioner regarding the Wright case, and it was during that time that he advised me.

Q. But, still, you were not instructed, even at that date, to make any further investigation into this particular matter?

A. I wasn't instructed to, no.

Q. Were you called in by the Attorney General's office on December 20th?

A. No, sir.

Q. How did this come about, what did you do?

A. I mentioned the matter to the Commissioner and we agreed that Mr. Common should be aware of what had been told in view of the fact that there would be a Royal Commission.

Q. Now --

THE COMMISSIONER: Just a moment.

Q. You and Commissioner Clark agreed --

A. Yes.

Q. -- that Mr. Common should be told what McGill had told you?

A. Yes, my lord.

Q. In view of what?

A. In view of what Chief McGill had told me, my lord, and in view of the Royal Commission having been announced.

MR. MacKINNON: Can I take it that in May, whenever it was, of 1960 when the Commissioner spoke to you about his interview with the Attorney General's Department he gave you the substance of that interview and what the knowledge of the Department was in this connection? Did he?

THE COMMISSIONER: What was that?

MR. MacKINNON: I understood this witness to say the Commissioner reported to

A. No, sir.

Q. How did this room about,

what did you do?

A. I mentioned the matter to

the Commissioner and he agreed that he

should be aware of what had been

told in view of the fact that there would

be a Royal Commission.

Q. Now --

MR. [illegible]: Just a moment,

Q. -- Your and Commissioner Clark

agreed --

A. Yes.

Q. -- that Mr. Common should be

told what Morrit had told you?

A. [illegible]

Q. In view of that?

A. In view of what Chief Morris

had told me, my lord, and in view of the

Royal Commission having been announced.

MR. [illegible]: Can I take it

in May, November it was, of 1960 when the

Commissioner spoke to you about his leav-

ing for the Mounted Police?

Do you the examination of this lawyer

and when the knowledge of the Department was

In its possession? Did not

[illegible]

Mr. [illegible]: I apologize this

relates to why the Commissioner resigned so

him he had been to the Attorney General's department some time in May, 1960.

Q. Is that correct, witness?

A. Yes.

Q. When the same subject matter as covered by this witness' August 15th, 1961, entry in his diary was discussed, showing that the Attorney General's Department a t that time had knowledge of these allegations, in a general way at least.

THE COMMISSIONER: We had better get that from the Commissioner.

Q. You were not with the Commissioner in May?

A. No, I was not.

Q. When there was some discussion in the A.G.'s Department?

A. No, sir.

MR. MacKINNON: Q. But I understand you to say that the Attorney General at that time, December 22nd, 1961, after this Royal Commission had been appointed, stated to you he was going to investigate it?

A. He stated that, yes. He would look into it.

Q. Did he indicate in what fashion he was going to investigate?

A. Not to me, sir.

Q. Was he going to use police officers, your department?

A. He didn't indicate.

Q. You produced a personal diary here, I believe Mr. Wilson called it, and one page was taken out of it.

THE COMMISSIONER: Exhibit 33.

MR. MacKINNON: Q. Do you have a personal diary apart from your official police diary?

A. It isn't a personal diary; it is a notebook used for official business.

Q. Would that personal diary used for official business differ in any respect from this official diary throughout the year?

A. What I put in the official diary I don't usually put in my notebook.

Q. And vice versa?

A. And vice versa.

MR. MacKINNON: I wonder, Mr. Commissioner, if possibly the personal diary might not be filed as an exhibit so it might be examined at a later stage?

THE COMMISSIONER: Q. Is there anything in the personal diary? It is a loose leaf book?

A. Yes, it is, my lord. I don't think there is anything in here of interest to this investigation, sir. I have some notes made when Wright was arrested and when Feeley's apartment was searched.

MR. MacKINNON: Those notes would not

A. He didn't testify.

Q. You produced a personal injury, I believe Mr. Wilson called it, and one page was taken out of it.

[illegible]

Mr. Swetland: C. So you have a [illegible]

A. It took a personal injury; is to a corporate mess for official business.

Q. [illegible] for official business either in any instance [illegible]

A. What I put in that official [illegible] I don't normally put in my notebook.

Q. And were wrong?

A. And were wrong.

Q. [illegible] Mr.

might not be fifty or so entitled on it might be [illegible] personal injury. It is a [illegible]

Q. [illegible] C. In there

A. Yes, it is, my [illegible]. I don't think there is anything in here of interest to this investigation, sir. I have gone [illegible]

Mr. [illegible]

be in your official diary?

A. Well, not precisely the same. My official diary would state I was at Belleville arresting Wright and searching the house.

AA6

MR. MacKINNON: I think at some stage, Mr. Commissioner, this will undoubtedly have to go in.

THE COMMISSIONER: It will be available.

Q. You can show it to Mr. MacKinnon and you can look through it.

MR. MacKINNON: Q. You have one for 1961?

A. No, this is a continuing one. When it is filled up I remove the leaves.

Q. Does the one you have on you go back to May, 1960?

A. Yes, sir.

Q. That is when you were called in on this matter?

A. Yes, sir.

Q. You also stated, I believe, that when you came to the membership list of fourteen hundred the Attorney General was questioning you about this list?

A. He wasn't questioning me, sir.

Q. What was he stating? You mentioned this and the Attorney General in the same connection.

A. He stated he noticed a man

named -- a lawyer's name who is a treasurer of the Liberal Association, or something like that.

Q. He was interested in the political connections of the members of this Club?

A. He seemed to be, yes.

Q. He seemed to be more interested in that than the basic problem you were bringing to him at that time? The corruption in his department.

A. As far as corruption in his department, I have been searching my memory, and he also did remark this was third grade evidence, or words to that effect.

Q. He was not taking it too seriously?

THE COMMISSIONER: Just tell me what he said and let me be the judge of whether he took it seriously.

MR. MacKINNON: This is the man who was there.

THE WITNESS: I have now told you all that I can recall that was said, my lord.

THE COMMISSIONER: Q. You added something just now which you did not say this morning.

A. No, I had forgotten that.

Q. The Attorney General said what?

A. It was third grade evidence, or words to that effect.

MR. MacKINNON: Did he single out more than one name when you were there, in this list?

A. No, I don't think he did.

Q. I am sorry, but I am not sure when you said he had that list. He had that list before you arrived, did he?

A. Yes, sir.

THE COMMISSIONER: Q. Did he say what he meant by "third grade evidence"?

A. Yes. Just as you have explained, sir, that A told something that was told to him by B to C to me.

Q. He was not referring to the membership list as third grade evidence?

A. No.

Q. But the rumour that somebody told somebody else, who in turn had told somebody else and in turn he had told somebody else?

A. Yes, sir.

Q. Did he identify the one individual's name to you that he made this comment about?

A. Yes, sir.

MR. MacKINNON: I would not mind having that name, Mr. Commissioner. Once again, it is on a par with some of the other

things.

THE COMMISSIONER: Has not it been in the press before?

MR. MacKINNON: I do not know.

THE COMMISSIONER: My recollection is that it has been in the press before.

MR. MacKINNON: I have no objection to this, my lord.

THE COMMISSIONER: It is not a question of whether you have any objection.

MR. MacKINNON: Well, I am just putting it to you, sir.

THE COMMISSIONER: Let me see the list and let him point it out.

--- The witness points to a document.

That has been on the front page of newspapers months ago.

MR. MacKINNON: Very well. "Treasurer" confused me.

Q. What is the name?

A. Royce Frith.

Q. Mr. Roberts identified him as the treasurer?

A. I am not sure that he identified him as the treasurer; some officer in the Liberal Association.

Q. Now, did you know Inspector Tomlinson personally?

A. Yes, I did.

Q. Did you ever have occasion to discuss this November 24th, 1954 raid with him?

A. No, I didn't.

Q. Did you have occasion to discuss it with Sergeant Bird?

A. No, I didn't.

Q. Now, there was an exhibit put in which is part of the Ontario Provincial Police annual report. 36(d), I am advised. You were read a portion from that report with reference to a federal charter. I take it, Inspector, you are aware of the fact that the Ramsay Club was a federal charter?

A. Yes, I am, sir.

Q. And it was cancelled on a straight application to a Supreme Court Judge just yesterday, wasn't it?

A. I know there was an application but I didn't know it had been cancelled.

Q. Mr. Justice Spence cancelled it. So that there is a method, then, of cancelling federal charters by application to the Court?

A. Yes, sir.

Q. You were aware of that?

A. Yes, sir.

Q. Thank you.

THE COMMISSIONER: Mr. Brewin, have you some questions?

MR. BREWIN: I am going to confer with Mr. Scott and he will conduct the examination.

No, we have no examination.

THE COMMISSIONER: Any re-examination?

MR. BREWIN: I did want to raise one subject with this witness but I gather this would not be the right place. That is, with respect to the termination of Scott's surveillance, but I take it this is not the right time?

THE COMMISSIONER: No. He will be available.

Q. That is all, thank you, unless Mr. Wilson wishes to ask any questions.

MR. WILSON: There was some correspondence which came in this morning which has not reached me with regard to the legal status of the three Clubs, but as I have not read it, I will recall this witness at a later date.

--- The witness withdraws.

MR. WILSON: I will recall --

Possibly I should call next Miss Ruth Abbott, Secretary to Judge Grant, who was the official Court Reporter in 1954.

I may say, Mr. Commissioner, we have made inquiries about Mrs. Halliday, who was

Grenville Davis' secretary in 1954. She has just had an operation and is just out of the hospital and her doctor advised me it would not be practicable for her to come or wise for her to come for another week or longer.

THE COMMISSIONER: All right.

You want whom?

MR. WILSON: Miss Ruth Abbott.

RUTH ABBOTT, Sworn

EXAMINED BY MR. WILSON:

Q. In November, 1954, were you the official court reporter for the County of Peel in the Court House at Brampton?

A. Yes, sir, I was.

Q. And are you still -- Do you still occupy that position?

A. Yes, I do, but I don't take police court any more, for the last couple of years.

Q. That ought to be a relief. You have been told about the purpose of your attendance here today?

A. Yes, sir.

Q. And that was that we wanted to get some information about what happened so far as reporting of the evidence given by

certain persons before Magistrate Blain on an inquiry conducted by the Crown Attorney, Mr. Davis, on November 24, 1954.

A. That is right.

Q. Have you looked into that matter?

A. Yes, sir, I have. I have not the records. The notes are not kept that far back and I don't recall myself that I was there. And, I can't locate my 1954 diary to see -- If there had been another court it is possible I might have gotten another reporter. But, as far as I know, I would be there if it were a regular police court day.

Q. You have no recollection?

A. No, I haven't.

Q. Of these examinations?

A. No, I haven't.

Q. Have you any recollection of a Mr. Gebirtig appearing on a matter involving some case before Magistrate Blain about that time?

A. I don't recall that either, Mr. Wilson.

THE COMMISSIONER: Q. Did you ever hear the name Gebirtig before?

AA7 A. I have heard the name before in court but I don't recall the reference here.

Q. Do I understand your note books for 1954 --

A. They are not kept that far back.

MR. WILSON: Q. Well, then, I take it you cannot help us very much?

A. No, I am sorry, I am afraid I can't.

THE COMMISSIONER: Any questions, Mr. MacKinnon?

MR. MacKINNON: No.

THE COMMISSIONER: Mr. Brewin?

MR. BREWIN: No.

THE COMMISSIONER: Q. That is all, thank you.

--- The witness withdraws.

MR. WILSON: I will recall Reeve Speck.

Q. Do I understand your name
Jones for life --
Yes.
Mr. Clerk, are you ready to
A. No. I am ready. I am
I can't.
Mr. Counsel: Any objection?
Mr. Morrison: No.
Mr. Barrett: No.
Then it is ordered.

Mr. Wilson: I will recall Mayor Brown.

ROBERT W. SPECK, Recalled

THE COMMISSIONER: Mr. Speck, you are still under oath. You realize that?

A. Yes, sir.

EXAMINED BY MR. WILSON:

Q. There has been filed since you were in the witness box, during the examination of Chief Inspector Graham, a statement made by Garnett McGill, dated the 12th of May, 1961. It has been filed here as Exhibit No. 30. I will read you a portion of that statement that I want to direct my questions to. It reads, in the first paragraph:

" Cyril Clark, Reeve of
"Chingacousy Township, came to
"Reeve Speck in the early part of
"1960 and asked him to have me tell
"him when we were going to raid.
"I told him we were expecting a
"hearing by the Deputy Provincial
"Secretary. In 1960, before
"Wright's arrest, Reeve Speck told
"me two provincial government members
"and an official of the Attorney
"General's Department were connected
"with the Vets Club."

Q. Yes, sir.

I will let you have a copy of that exhibit before you before I put my question. First of all, do you know Cyril Clark whose name is mentioned there?

A. Yes, sir, I do.

Q. And where does he reside?

A. He comes from the Township of Chingacousy.

Q. Do you know him well?

A. I have known him for approximately six or seven years.

Q. Did you make the statement attributed to you in regard to -- that is, to Garnett McGill that is attributed to you in regard to Clark asking you to find out from McGill as to whether, in the early part of 1960, there was going to be -- they were going to raid the Vets Club?

A. When they were going to raid?

Q. Whether they were going to raid is the way it reads there.

A. Mr. Clark --

Q. "... when we were going to raid."

A. Mr. Clark approached me and asked me if I knew if the police, and I understood it would be our police, were going to continue raiding. He said there had been several raids on the Club and that if they were going to continue to raid he

I will let you have a copy of that
exhibit before you return I put my question.
First of all, do you know Cyril Clark whose
name is mentioned there?

A. Yes, all, I do.

Q. And where does he reside?

A. He comes from the Tuscan-

BY CHAIRMAN:

Q. Do you know his wife?

A. I have known him for
approximately six or seven years.

Q. Did you make the statement
attributed to you in regard to -- that is,
to Bennett Neill that is ascribed to you
in regard to Clark asking you to find out
from Moffit as to whether, in the early
part of 1930, there was going to be --
they were going to raid the Vets Club?

A. When they were going to raid?

Q. Whether they were going to
raid in the way it reads there.

A. Yes. Then --

Q. "... when we were going to
raid."

A. Mr. Clark approached me and
asked me if I knew if the police, and I
understood it would be our police, were
going to conduct raiding. He said there
had been several raids on the Club and that
if they were going to continue to raid he

didn't want to frequent the Club. I said I didn't know, I had no idea, but I would be speaking with the Chief and I would ask him if this was going to continue, which I did. I discussed it with the Chief and he said that they had finished raiding, that they were gathering information for evidence and that they had all the information that they felt necessary. I relayed that information to Cyril Clark, the Reeve.

Q. Did --

THE COMMISSIONER: Just a moment, please.

Q. It was Mr. McGill you spoke to?

A. Yes, sir.

Q. And he told you they were not going to raid?

A. He didn't say they weren't going to raid; he said they had finished raiding. I didn't ask him if they were going to have any other raids later on. I didn't ask that question.

Q. Then, you went back and told that to Clark, is that what you said?

A. Yes, sir.

Q. He was only interested in that so that if they did raid he would not be there?

A. I imagine that would be the reason for him asking, sir.

MR. WILSON: Q. Can youfix the time in 1960 when that occurred?

A. I can't recall exactly, sir, no. I think it was in the early part of 1960 but I could be mistaken.

Q. Did Cyril Clark tell you why he wanted that information?

A. No, sir, he didn't indicate, but I felt I need not ask him. I thought probably he didn't want to be there if raids were going to continue.

Q. I will ask you to look at the last sentence in that Exhibit No. 30.

"In 1960, before Wright's arrest,
"Reeve Speck told me two provincial
"government members and an official
"of the Attorney General's Department
"were connected with the Vets Club."

Did you make such a statement to Chief Constable McGill?

A. No, sir, not that I recall. If I discussed this with him at all it would only be a rumour I had heard somewhere. I had no knowledge of this myself.

Q. In his evidence this morning he said the statement might have been two officials of the Attorney General's Department and one provincial government member. Do you recall any statement along that line?

A. No, sir, I do not.

Q. Did you say there had been a rumour around to this effect?

A. Well, there were many rumours, sir. This could have been one of them.

Q. Was this one of the rumours to your knowledge?

A. Well, that, sir, I can't say, whether I heard this or not; but if I did discuss it it would only be a rumour because I know of no such thing myself. It must have been a rumour if I discussed it with him, and I don't recall discussing it with him.

AA 8 THE COMMISSIONER: Q. He did not put it down that it was a rumour, he put it down positively, that "two provincial government members and an official of the attorney general's department were connected with the Vets Club". Did you tell him that positively?

A. No, sir, I did not.

Q. Do I understand you to say that if you did mention it at all you said it was rumoured that?

A. Yes, sir, because I didn't know this as a fact.

MR. WILSON: Q. Can you tell us, as far as you are concerned, the source of any such rumour?

A. No, sir, I can't tell you the source. There were many rumours around our vicinity about the Club, about people going. Whether they were members or not, I

don't know. But, people frequenting the Club, people that we knew, residents, and so on; but it was only to that effect, sir.

Q. In any of these rumours along this line which came to your attention, was the name of any official in the Attorney General's Department or any member of the Legislature mentioned?

A. Never, sir.

Q. That is all, thank you.

THE COMMISSIONER: Mr. MacKinnon?

EXAMINED BY MR. MacKINNON:

Q. Did you forget about this item yesterday when you were being examined?

A. No one questioned me, sir.

Q. Well, you were questioned fairly closely as to what you knew about this Club and whether anyone had spoken to you about it and what discussions you had with your Chief and, as I understood your evidence, and as it appears in the transcript, the Chief was his own boss and you had nothing to do with the Club and had very little knowledge of it.

A. I think my answer yesterday was that Council had never discussed it with the Chief. I was going to suggest I had

discussed it personally with him on only this one occasion.

Q. You were going to suggest?

A. Yes.

Q. Why didn't you?

A. I was never asked.

Q. Did not you think this Clark episode was important, particularly?

A. Not particularly, no, sir.

Q. Did you secure such information from thepolice for other people who asked for this information?

A. No, sir, I was never asked.

Q. Did not you find it extraordinary that someone came up to you and said, "Go to the police Chief and see when they are going to raid and if they are going to raid"?

A. But he didn't say "when" they are going to raid.

Q. This is what Chief McGill has sworn to, "and asked him to have me tell him when we were going to raid".

A. That is not correct; I didn't ask when they were going to raid.

Q. Either you are mistaken or Chief McGill is mistaken?

A. Yes, sir. I didn't ask when they were going to raid this Club.

THE COMMISSIONER: Q. Why did you

ask him at all? Why did you discuss the subject of raiding with McGill at all? You told us yesterday the Council left that matter entirely to him. Why go back to him and ask him if they were going to raid, or what their policy was, and so forth?

A. I understood from Mr. Clark there had been a number of raids on a continuous basis. He told me that. He wanted to know if this type of thing was going to continue and were they going to attempt to put the Club out of business and what was going to happen; and I said I didn't know.

MR. MacKINNON: Q. Was this a complaint?

A. Pardon?

Q. Was this a complaint?

A. No, it wasn't a complaint, sir. That is the reason I went and discussed it with Mr. McGill, because I didn't know these raids were going on. It was unknown to me.

THE COMMISSIONER: Q. Up until Clark spoke to you you had left it entirely to McGill and his Force?

A. That is correct, sir.

Q. Not interfering or questioning them. Why did you go on this particular occasion and ask for this information?

A. I imagine it was a favour to

Mr. Clark.

MR. MacKINNON: Q. Are you sure Mr. Clark was not doing it as a favour to somebody else? You purported not to know why he wanted this information.

A. I don't know that Mr. Clark wanted this information for somebody else. Knowing Mr. Clark I wouldn't think so.

Q. You were sitting outside with Mr. Clark before this hearing?

A. Yes, sir.

Q. Were you discussing your evidence with him?

A. No, sir.

Q. You were not discussing what you discussed a year or so ago?

A. No, sir.

Q. You were in conversation with him?

A. Yes, sir, but not about this.

THE COMMISSIONER: Q. Supposing McGill said, "Yes, we will be raiding that Club next Tuesday night", would you have gone back to Clark and told him?

A. I wouldn't have told him that they were going to raid it Tuesday night, but I would have told him that they were going to continue raiding it, yes.

(Page 685 follows)

(More ad lib)

MR. MacKINNON: Q. Wasn't your curiosity just a little bit piqued that he should be asking you such a question? Didn't you ask him why he wanted to know?

A. No sir, I didn't.

Q. Are you a member of this - were you a member of this club?

A. No, sir.

Q. You visited it?

A. I was in the club once in my life, sir.

Q. Was this about this time?

A. No, sir.

Q. Prior to this time?

A. It was in 1956.

Q. And what was going on when you were there?

A. There were quite a number of people there. They were playing cards, they were playing dice, and a number of people were sitting around, and I did not participate, sir.

Q. Was Mr. Clark there?

A. Yes, Mr. Clark was there.

Q. And how did you get in, who introduced you?

A. No one introduced me, sir. I went down to the door, and knocked on thedoor, and they let me in.

Q. Did somebody identify you?

A. I told them who I was, sir. I imagine I was known.

Q. To whom did you speak to?

A. That, sir, I cannot tell you, I don't know.

Q. Did you know Mr. Feeley?

A. I had met Mr. Feeley once after that.

Q. And did you know Mr. McDermott?

A. No, sir.

Q. What were the circumstances surrounding your meeting Mr. Feeley?

A. Mr. Feeley called me one day; I believe it was about 1957, or 1958, about a piece of land he said he owned on Dixie Road and asked me what the best use he could put to this land, and if there was a possibility of building apartments - to build an apartment building on it.

Q. The possibility of building what on it?

A. Apartments.

Q. And what was your position in council at that time?

A. I would be Deputy Reeve, sir.

Q. Did he explain why he was calling you?

A. No, other than the fact he would like to know if it was possible to have services put to this particular land, so that

this apartment building could be built.

Q. Was it a question of rezoning?

A. Yes, sir.

Q. Did you encourage him?

A. No, sir, an application was never made.

Q. And when you got to the club that night, were you given a card to sign?

A. No sir.

Q. No card?

A. No, sir.

Q. You were not accordingly a member, or enrolled as a member?

A. I hope not, sir, not to my knowledge.

Q. And did I understand you to say that you arrived there without warning, or notice to the occupants?

A. Yes, sir.

Q. Did you drive up?

A. Yes, sir.

Q. And were there any dogs in the vicinity?

A. I did not see any, sir.

Q. Were there any men in the parking lot?

A. I believe that there was one in the parking lot, sir.

Q. You identified yourself to whom?

A. No sir, I don't - -

Q. Did you identify yourself to him?

A. No, I did not.

Q. Did he come along with you when you went to the door?

A. No sir, I went to the door alone.

Q. Did you push a button, what did you do?

A. I can't honestly say whether there was a button there or not.

Q. Did you try the door?

A. No, sir. I did not try the door. I think I either pushed a button or knocked. I cannot tell you which one.

Q. Were the bolts drawn, or something unlocked to let you in?

A. No, to my knowledge - not to my knowledge, there may have been.

Q. Did you participate in the gambling when you were there?

A. No sir, I did not.

Q. So I take it, you don't know what type of gambling was going on?

A. No sir, I am not an authority on that sort of thing.

Q. What interests me, Mr. Speck, if I might ask, is how this impulse took you there in the first place?

A. No sir, I don't --

Q. Did you recently purchase it

else?

A. No, I did not.

Q. Did he come along with you

that you used in the house?

A. No sir, I used to the door alone.

Q. Did you open a button, pull it

for her

A. I can't honestly say anything

about was a button there or not.

Q. Did you try the door?

A. No, sir. I did not try the door.

I think I either pushed a button, or knocked.

I cannot tell you which one.

Q. Were the lights down, or

something unusual to let you in?

A. No, to my knowledge - not to

my knowledge, there may have been.

Q. Did you participate in the

[illegible] that was there.

A. No sir, I did not.

Q. So I take it, you don't know

what type of [illegible] was going on?

A. No sir, I am not particularly

in that sort of thing.

Q. [illegible], Mr. [illegible].

If I might ask, is that this junction that you

where is the first phone?

A. Curiosity is a strong thing, sir.

Q. I would have thought so, particularly when Mr. Clark was asking you for some rather unusual information, but it was - -

MR. WILSON: Well now - - -

MR. MacKINNON: He is talking about information generally, and I was wondering if his curiosity had been piqued by what one would call rather confidential information, but neverthe_less - - yes, Mr. Wilson?

MR. WILSON: Mr. Clark's request was in 1960, and the witness apparently went there in 1956.

MR. MacKINNON: As I understand it, I am talking about the question of curiosity; so your curiosity was piqued, and you went without any planning, or without contacting anyone, and just knocked on the door, identified yourself, as what? Deputy Reeve Speck?

A. No, Councillor.

Q. Councillor?

A. Yes.

Q. And since that date you have never been in?

A. That is correct, sir.

MR. MacKINNON: That is all, thank you.

EXAMINED BY MR. BROWN:

Q. Reeve Speck, did you have occasion to run for election in the fall of 1959?

A. 1959?

Q. Yes.

A. Yes, sir.

Q. And I suppose you are familiar with the Port Credit Weekly, and the Toronto Township News, are you?

A. Very familiar, sir.

Q. Did you happen to notice some advertisement in those newspapers, urging your election, and put in by the Veterans Club?

A. I don't think sir it was that Veterans Club.

Q. You don't?

A. No, sir, I don't.

Q. You don't think it was that Veterans Club?

A. I am almost positive it was not.

Q. There was some advertisement urging your election that was inserted by a Veterans club, but you think it was another one?

A. I am sure of it, sir.

THE COMMISSIONER: What was the other one?

THE WITNESS: It was a group of fellows sir, that belonged to the Port Credit Legion, and

a veteran I think, that lived in Lorne Park, but it has nothing to do with this Veterans Club.

MR. BREWIN: At any rate, there was no reason for this Veterans Club to advance your candidature?

A. None whatsoever, sir.

THE COMMISSIONER: This was a Veterans club only by name?

MR. BREWIN: Well I may have been misinformed, but I will check on that. Now, Mr. Speck, I wanted to call your attention to what you said yesterday when you were being examined by Mr. MacKinnon. This is at page 501 of the evidence of thisCommission, at the foot of page 501 - - -

"Q. Did you make any complaint
"yourself to the Police Chief?
"A. I discussed it with the Police Chief as to the private club itself:
"Did he have any problems with it
"or any disturbances or what - -
"Q. Is that all you were concerned
"with?
"A. That is correct."

Did you make that answer?

THE WITNESS: Yes, sir.

Q. It was not true, was it? You were not concerned only with the problems that the Police Chief had, or disturbances at the club,

you were concerned apparently when Mr. Clark approached you to get information as to where the raids were going on,in Mr. Clark's interest?

A. I did this as a favour to Mr. Clark, yes.

Q. But this was not a true answer, was it?

"Is that all you were concerned with?

"A. That is correct."

That was not true, was it?

A. It was true to the point that any information I took to Mr. Clark was as a personal favour to him, as far as the Township of Toronto was concerned, I was always concerned if there were any disturbances, any complaints, coming from residences in the nearby area, and of any police having problems.

Q. Reeve Speck, I put it to you, you were called before this Commission - when you were called before this Commission you knew the subject matter?

A. Yes, sir.

Q. Of the inquiry here, and you were called before this Commission, and you were on oath?

A. Yes, sir.

Q. And you were asked, "Did you make any complaint yourself to the Police Chief?" and your answer was, "I discussed it with the

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Police Chief as to the private club itself: Did he have any problems with it or any disturbances or what - - - ". And then the following question was, "Is that all you were concerned with." And your answer to that was, "That is correct." That wasn't true, was it?

A. If I erred, I am sorry, sir.

Q. Pardon?

A. If I erred, sir, I am sorry. I meant - -

Q. And this particular - - -

THE COMMISSIONER: Let him finish.

THE WITNESS: As far as the Police Chief and the administration of Police duties, and this particular club was concerned, we did leave it entirely in his hands. We did not interfere at any time. As far as Mr. Clark is concerned, I think that I did it as a personal favour for him, because I felt he probably did not want to be connected, or a member, if he was, of the club, and they were going to continually raid it, I think he felt he would withdraw from the club.

Q. You did know that Mr. Clark was a fairly constant attendant at this club?

A. I could not tell you sir how often he frequented this club.

Q. You knew he frequented it quite regularly?

A. I had no knowledge how many times he was there sir, until that one time that I was there, sir.

Q. Did you know he frequented that club?

A. To what extent, I don't - -

Q. You don't know the extent?

A. No, sir.

Q. And I put it to you, didn't it occur to you as an intelligent man that this information related to this in the club as to when there were going to be raids, would be helpful to the operators of the club?

A. I would hope sir, that my information to Mr. Clark would not be to any operators of a club, if there were operators.

Q. You hoped it would not?

A. I would be pretty sure, knowing Mr. Clark.

THE COMMISSIONER: I don't understand you.

THE WITNESS: Pardon?

THE COMMISSIONER: I don't understand you. If McGill had said, "Yes, we are going to continue raiding," you would have gone back to Clark and told him so?

THE WITNESS: Yes.

THE COMMISSIONER: And Clark would not have patronized the club any longer?

THE WITNESS: Yes, sir.

THE COMMISSIONER: That would be to the/dis-advantage of the club?

A. I suppose so, sir, but I don't think he would have related it to the club. It is only to himself, I think, it was for his own personal - - -

THE COMMISSIONER: You think he would have kept it a dark secret?

A. Yes, sir.

THE COMMISSIONER: Yes?

A. Knowing him, sir, I would think so.

MR. BREWIN: Now you don't recall I take it, telling Chief Constable McGill that two members of the Government and one official of the Attorney General's Department were - I forget the exact/language - concerned with this club?

THE COMMISSIONER: Connected with the club.

MR. BREWIN: Connected with the club, you don't recall that?

A. No, sir.

MR. BREWIN: You are not saying - you are saying that you may have based it on - in the form of a rumour?

A. Yes sir, and I had heard - I didn't have this knowledge, myself.

dia-

Q. Is that a rumour that you conveyed to Chief Constable McGill or not, or don't you remember?

A. I don't remember discussing it at all with Mr. McGill, but if I did, then I am saying this quite honestly, if I did, it was something that I had heard, because I didn't know this fact.

Q. If you did pass on that rumour, did you get that rumour from Clark?

A. No sir, not to my knowledge.

Q. You are quite certain?

A. Yes.

Q. I put it to you that Chief Constable McGill has said that you named Clark as the source of the rumour, or the information, whichever it was, is that not true?

A. Not to my knowledge sir, I don't recall Mr. Clark telling that to me, I don't, sir.

Q. Mr. Clark - - you don't recall Clark telling you?

A. No, sir.

Q. Do you know any other source for the rumour?

A. No sir, I don't. I don't know where the rumours come from.

MR. BREWIN: All right.

THE COMMISSIONER: Have you any further questions, Mr. Wilson?

MR. WILSON: No questions.

THE COMMISSIONAR: You had better wait around for a few minutes.

---The witness withdrew.

MR. WILSON: I now call Cyril Clark.

THE COMMISSIONAR: Mr. Speck had better retire until he is needed again.

CYRIL CLARK, sworn:

EXAMINED BY MR. WILSON:

Q. Where do you reside?

A. At Snelgrove.

THE COMMISSIONER: Where?

THE WITNESS: Snelgrove.

MR. WILSON: And you are the Reeve of what township?

A. Chinguacousy.

Q. How long have you been Reeve of that township?

A. Eight years.

Q. And when did you first join the Centre Road Veterans Club?

A. Well -

THE COMMISSIONER: Or did you join it?

A. Yes, I did.

THE COMMISSIONER: When?

A. Well - -

THE COMMISSIONER: When?

A. It could have been - -

THE COMMISSIONER: It could have been any time, but to the best of your knowledge, when was it?

A. Maybe 1958.

THE COMMISSIONER: You think about 1958?

A. I would think so, it could be, yes.

MR. WILSON: And were you fairly regularly attending at the club from that time on, until it ceased to operate?

A. Not what youwould call regular, maybe I would go once a month.

Q. And what type of game was being carried on at that club?

A. Well, they played different kinds of cards.

Q. Do they have a bank game?

A. You mean a crap game?

Q. No, you know what a bank game is, you have been around that club for three years?

A. I know what a bank crap game is.

Q. Did they play bank crap games?

A. Yes.

Q. In other words, it was the house against the players?

A. Yes, sir.

Q. What did you - -

THE COMMISSIONER: The same with the cards?

THE WITNESS: I don't play cards, sir.

THE COMMISSIONER: What did you play?

A. Crap.

A. I would take me, it could be.

MR. WILSON: What did you play?

A. Crap.

Q. That is what I thought you said.

A. Right.

Q. Now who were running this club during the period that you were there from 1958 on?

A. I didn't know anyone there but Mr. Feeley.

Q. That is Vincent Feeley?

A. By the name, yes.

Q. And did he tell you he was one of the proprietors of the club?

A. No, I would not say that he told me he was a proprietor. He seemed to be boss.

Q. He seemed to be the boss?

A. Yes.

Q. And was he there every time that you were there?

A. Not always, no.

Q. What about Joseph McDermott, was he there too from time to time, when you were there?

A. I saw him very little, not more than two or three times.

Q. And what about George Reid, did you know him?

A. I did not know any of the others

Q. Did you ever hear Mr. Wilson say that he was going to kill Mr. Clark?

A. Yes, sir.

Q. Did you ever hear Mr. Wilson say that he was going to kill Mr. Clark?

A. Yes, sir.

Q. Did you ever hear Mr. Wilson say that he was going to kill Mr. Clark?

A. Yes, sir.

Q. Did you ever hear Mr. Wilson say that he was going to kill Mr. Clark?

A. Yes, sir.

by their names.

Q. You did not know the Laffrade's or Laffrede's, whatever it is?

A. No.

Q. And were the same people working there on the nights you were there as guards, and who were controlling the bank, and so on?

A. I would say yes.

Q. And did you know the names of any of those people?

A. No, I didn't.

THE COMMISSIONER: How did you get by them, I am speaking of the guards, did they know you?

A. Yes, I would say they did. I never had any trouble getting past them.

THE COMMISSIONER: Did you have a membership card, or anything you had to show?

THE WITNESS: No sir. You had a membership, your Honour, when you started a membership card, when you went in once a year.

THE COMMISSIONER: Pardon?

THE WITNESS: Once a year.

THE COMMISSIONER: And what was the entry fee?

THE WITNESS: $20.00.

THE COMMISSIONER: And did you pay the twenty dollars?

A. I paid the twenty dollars, sir.

of that crowd.

Q. You did not know the Lafitte's or Lafitte's, whatever it is?

A. No.

Q. And nearly the same people mentioned

and who were controlling the bank, and so on?

A. I would say yes.

Q. And did you know the names

of any of those people?

[illegible]

THE COMMISSIONER: Who did you say

by then, I am speaking of the gaming, did they

have any?

A. Yes, I would say they did.

I never had any reason to believe they were

THE WITNESS: No sir. You had a

reasonably cool, or anything you had to wear!

THE COMMISSIONER: Had you been

reasonably cool, even you were in once a year.

reasonably, just hours, when you started a

THE COMMISSIONER: Had what was the

entry fee?

THE WITNESS: Once a year.

THE COMMISSIONER: And did you [illegible]

[illegible]

A. I paid the yearly dollars, sir.

THE COMMISSIONER: How many chips did you get for that?

A. I didn't get any.

Q. You got no returns?

A. No returns, I paid my twenty dollars.

THE COMMISSIONER: Who to?

A. I cannot tell the man's name.

THE COMMISSIONER: Did you get a receipt?

A. Yes, I believe I did.

THE COMMISSIONER: Who signed it?

A. Your Honour, I have never looked at it, I cannot tell you.

THE COMMISSIONER: Have you still got it?

THE WITNESS: I don't know whether I have it or not.

MR. WILSON: Would you look and see if you have it?

THE WITNESS: I would not say if I have it or not, because I don't keep them.

THE COMMISSIONER: Did you pay the twenty dollars every year?

A. Once a year.

THE COMMISSIONER: What time of the year?

A. Well, it would be any time after the first of the year that you went in.

THE COMMISSIONER: What did you get for

the twenty dollars?

A. Your membership fee.

THE COMMISSIONER: I know, but what did the membership give you?

A. They did not give you too much.

MR. WILSON: I take it that was the right to either win or lose your money, is that right?

A. Yes.

THE COMMISSIONER: I thought so, but I wanted it on the record.

MR. WILSON: When was the last time that you paid your membership fee there?

A. Well, the last year that it was run.

Q. When did it go out of business?

A. I cannot tell you, sir.

Q. Do you recall being there in 1960?

A. Yes, I would say I was.

Q. And did you pay your annual fee in 1960, of twenty dollars?

A. Yes.

MR. WILSON: I would ask you to look for those receipts, I would like to see them.

THE WITNESS: I would not say, sir, that I have them.

MR. WILSON: Did you have to carry any identification when you went to the club?

A. No, I did not.

Q. Now - - -

THE COMMISSIONER: Were you ever there when it was raided?

THE WITNESS: No, I wasn't, sir.

MR. WILSON:

Q. Did you ever get any information about raids in advance?

A. No, I did not.

Q. You did not get any tip?

A. No.

Q. And you know Reeve Speck of Toronto Township?

A. That is right.

Q. In 1960 did you make some confidences of Reeve Speck about the possible police actions against the club premises?

A. Yes, I did.

Q. Do you recall when that occurred?

A. I could not tell you exactly, no.

Q. Was it in the early part of the year?

A. Sir, I could not tell you.

Q. Well now, where did this conversation take place?

A. Possibly in the County buildings.

Q. And what did you ask him to find out for you?

A. If there was any possible chance

of it being raided, because once or twice I had been there, there was a Provincial Police car at the gate, that took my licence number.

Q. And what were you going to do with this information?

A. I was not going to do anything. I was not going to do anything with it, sir, I was just not going to go, that is all.

Q. You were not going to go if they were going to raid, is that it?

A. That is right.

Q. But what information did he give you?

A. Well, he didn't really give me any information. He said that he would try and find out if they were going to raid the place, if he could.

Q. Did you hear from him later?

A. Not to give me any information, so as to stop going.

Q. Then you say he did not give you any information?

A. Other than they did not think it wouldbe raided.

Q. They did not think it would be raided?

A. Yes.

Q. And then did you continue going,

Potter one of the Crane, Jr. Corp. Co. Trustees
I pay down three-three now a promissory
of 12 being unpaid, because due on notes

or did you stop going?

A. I stopped quite a while before it was out of business.

Q. Now, did you - when you were in attendance at the club, ever find that they told the customers, or the members, to leave early?

A. Not any time I was there.

Q. Not at the times you were there?

A. No.

Q. Now did you tell Reeve Speck that two members of the Legislature, and somebody in the Attorney General's Department were providing protection for the Veterans Club, that is the Centre Road Veterans Club, we are talking about?

A. I might have, your Honour, say, that there was rumours of that, but that is all.

Q. Well, had such a rumour come to your attention?

A. Well there is lots of rumours that you hear.

Q. I am asking you, did such a rumour come to your attention?

A. No, I would say it did not.

Q. You say it did not?

A. No.

THE COMMISSIONAR: Let us get that. No one ever suggested toyou that two Provincial Government members, and an official of the Attorney General's Department were connected with the club?

THE WITNESS: No.

THE COMMISSIONER: No one ever suggested that to you?

THE WITNESS: No.

THE COMMISSIONER: Are you sure?

A. That is right.

THE COMMISSIONER: Didn't you say a little while ago that there were rumours to that effect?

A. There was rumours.

THE COMMISSIONER: How did you know, unless somebody told you about it?

A. Well, your Honour, you hear these rumours around.

THE COMMISSIONER: I can well understand that.

THE WITNESS: But nobody ever directly said it to me, no.

THE COMMISSIONER: What do you mean by "No one ever directly said it to you"?

THE WITNESS: Well, just what I say. No one ever directly said. You can hear lots of rumours without being directly - without them being said to you.

THE COMMISSIONER: Who was it that was rumoured that was connected with the club, can you name any names?

THE WITNESS: No, I couldn't.

THE COMMISSIONER: Did the person name

any names?

THE WITNESS: No, the rumours I heard, there was no names mentioned.

MR.WILSON: Q. How do these rumours, these indirect rumours, get to you, would you call them intimations?

A. Well, there is lots of rumours that you hear about different things.

Q. I know, but if somebody says, "I think Joe Smith is doing something wrong", do you call that a rumour?

A. Could be, yes.

Q. Could be?

A. Yes.

Q. In what form do these statements that you say came indirectly to you, what form did they take, how would they be put?

A. Well I just can't answer that exactly. They would be a group of men talking about something that went on, and you could possibly be listening to what they were talking about.

Q. Well, did you ever hear these rumours at the club itself?

A. No.

Q. Did you ever hear any discussion at the club as to who were the proprietors of the club?

A. Your Honour, if I might say this,

any money?

THE KING: No, the reasons I heard, there was no cause mentioned.

MR. WILSON: Q. Now do those rumors, throughout rumors, for to last, would you tell them (indicating)?

A. Well, there is lots of rumors that you hear about different things.

Q. I know, but it commonly runs, "I think Joe Smith is doing something wrong", do you tell that to rumor?

A. Could be, yes.

Q. Could be?

A. Yes.

Q. In what form do those entanglements that you say came indirectly to you, what form did they take, how would they be put?

A. Well I just can't answer that exactly. They would be a group of men talking about something that went on, and you could possibly be intuiting to what they were hinting, maybe.

Q. Well, did you ever hear these rumors at the club itself?

A. No.

Q. Did you ever hear any discussion at the club as to who were the proprietors of the club?

A. Just heard, if I might say what

that I went to the club to shoot dice, I didn't mix up with any of the members. I didn't know any of them. I never bothered my head about anybody else. All I am interested in is myself when I go to this kind of place.

Q. So these rumours that came to you indirectly, were something that happened outside of the club premises?

A. Yes.

Q. And none of these indiredt rumours you speak of named names, is that right?

A. Yes.

Q. Did they name members of the Legislative Assembly as such?

A. No.

Q. Did they name members of the legal personnel of the Attorney General's Department as such?

A. No, sir.

Q. Well, then, tell us what these rumours did relate?

A. Well, I don't know whether I can give you any more answers than I give you sir. They are just rumours and that is all.

THE COMMISSIONER: Did you ever pass the rumours on to anybody else?

THE WITNESS: No, sir.

THE COMMISSIONER: Not even to Mr. Speck?

A. No.

MR. WILSON: That is all.

THE COMMISSIONER: We will rise for a ten minute recess.

---Adjourned for recess at 3:50 p.m.

(Page 711 follows)

EXAMINED BY MR. MacKINNON:

Q. Did I understand you to say, Mr. Clark, that you had visited the club say at least once a month for some three years?

A. Two or three years, yes.

Q. And did I understand you to also say that despite that length of time you really did not get to know any of the other members, if I can call them that, of this club?

A. That is right.

Q. Wouldn't it be the same people appearing fairly regularly, like yourself?

A. That is right.

Q. You wouldn't even know them by their first name? None of them recognizable to you?

A. I know them by their faces.

Q. Not by any other identification?

A. No.

Q. It wasn't a face that was familiar to you?

A. Well, you seen them each time you went.

Q. You couldn't put a name to any of the faces?

A. No, I cannot.

Q. Now, with regard to this

conversation with Mr. Clark - -

THE COMMISSIONER: Mr. - ?

MR. MacKINNON: With Mr. Speck, I am sorry, in the early part of 1960, did you not consider this a rather unusual request you were making of a friend?

A. No, not necessary.

Q. You realized that this club was breaking the law? No doubt in your mind about that?

A. Well, your Honour, might I say something?

THE COMMISSIONER: Just answer the question.

MR. MacKINNON: You didn't know that?

A. That it was breaking the law?

Q. Yes?

A. Yes, maybe.

Q. Yes.

THE COMMISSIONER: What maybe?

A. Yes, I would say so.

THE COMMISSIONER: Well, listen, witness - witness -

A. Under the charter they were.

THE COMMISSIONER: Just a moment, witness. You know you are under oath.

MR. MacKINNON: You knew they were breaking the law, didn't you, Mr. Clark?

A. Yes, I would say so, yes.

Q. Yes?

A. Yes.

Q. Yes.

THE COMMISSIONER: Well, why not be forthright about it, and not try to hedge.

MR. MacKINNON: And I suggest to you you were seeking information that you could tell Mr. Feeley, isn't that so?

A. No, sir, that is not so.

Q. You never had any discussion with Feeley about this?

A. No, sir, none whatever.

Q. You knew him quite well?

A. I knew him at the club.

Q. You saw him. You never had any phone call from Mr. Feeley?

A. Not in regards to the club.

Q. What would it be with regard to?

A. Over a gold mine that they had.

Q. And what was your interest in gold?

A. Well, if it went, I would maybe buy some shares.

Q. You were going to be a business partner with Mr. Feeley?

A. Not - no, not a business partner.

Q. Why would he be telephoning you about buying shares?

A. He wasn't telephoning me about

buying shares at all.

THE COMMISSIONER: What was he telephoning you about?

A. The progress of the mine.

THE COMMISSIONER: When was this?

A. Maybe a year ago.

MR. MacKINNON: What was the name of that mine?

A. I can't tell you what it is.

Q. Did you know at one time?

A. No, I didn't. It was just in progress.

Q. Why would he take the trouble to call you? Had you put some money in?

A. No, I hadn't.

Q. Well, why do you think he was calling you, just to tell you about the progress?

A. Well, I - I couldn't tell you that.

Q. You were very friendly with him?

A. Not - not friendly, no.

Q. Well, can you give us any indication why you in particular were being favoured with these telephone calls?

A. I wouldn't say that. Maybe I wasn't favoured. I don't know.

Q. You didn't find it strange?

A. I would say Mr. Feeley called me

possibly twice.

Q. But you didn't discuss the club, or the raids on the club?

A. No, we didn't.

Q. Did you ever call Mr. Feeley?

A. No.

Q. Did you know - you stated you knew Joe McDermott?

A. Just I - I would say I met him two or three times at the club, but not - I didn't never meet him, I seen him at the club. I never met him personally.

Q. Did you ever receive any phone calls from him?

A. No.

Q. You knew that he and Feeley were partners in this gold mine, I take it?

A. I understood that, yes.

Q. You knew that he and Feeley were partners in this gambling club?

A. I understood that, too.

Q. Well, now, when you were at the club, would you discuss this gold mine?

A. No.

Q. Just over the phone?

A. I never discussed anything when I went to shoot crap.

Q. Well, how was this gold mine raised, then? Did you suddenly get a phone call

from Mr. Feeley saying Mr. Clark, I have got a gold mine, I would like to talk about it?

A. Mm,hm.

Q. Is that it?

A. That is right.

Q. And this happened on two occasions, you believe?

A. Yep.

Q. What is your occupation?

A. I am a retired farmer, and exporter.

Q. You are not a geologist, or anything like that?

A. No.

THE COMMISSIONER: A farmer, and what?

A. Exporter.

THE COMMISSIONER: Exporting what?

A. Dairy cattle all over the United States, and pigs to South America.

MR. MacKINNON: Can you remember how these telephone conversations started with Feeley with the gold mine?

A. No, I can't, because it is quite a while ago.

Q. Did Mr. Feeley indicate that they had grand prospects?

A. He said it looked all right.

Q. Did he tell you why he thought the prospects were going to be good?

A. No, he didn't.

Q. Did he mention any connections he had?

A. No.

Q. Were you interviewed by Sergeant Anderson of the Provincial Police on October 17th, 1960?

A. I couldn't tell you the date. I believe I had an interview with a Sergeant.

Q. And did you state certain things to him in that interview?

A. Possibly.

THE COMMISSIONER: Now, please. Do you remember whether you did, or you didn't?

A. - - your Honour, how - how do you mean? How does this gentleman mean, did I make any statements?

MR. MacKINNON: Well - - -

THE COMMISSIONER: What do you understand him to mean?

A. Well - - might I say that the Sergeant and I had quite a chat about it.

THE COMMISSIONER: Well, he was questioning you, wasn't he?

A. Not necessary. No, I wouldn't say.

THE COMMISSIONER: Not necessary, but was he?

A. No, I wouldn't say he was.

THE COMMISSIONER: Well, what was he doing?

A. He was there for information.

THE COMMISSIONER: And how was he to get it, unless he asked you for it?

A. Yes, he asked me for it.

MR. MacKINNON: He was making notes, wasn't he?

A. I don't know. I don't know whether he was making notes when he was talking to me.

Q. This wasn't a social occasion you are suggesting?

A. I met him in Brampton.

Q. Where?

A. In the Sheriff's office.

Q. So, it was a fairly formal occasion? You weren't sitting up over a cup of coffee in some restaurant talking socially, were you?

A. That is right. We were in the Sheriff's office.

THE COMMISSIONER: Well, then, he had arranged this meeting, hadn't he?

A. He called me, asked me if I would meet him, and I told him I would.

MR. MacKINNON: And one of the items discussed with him was this mining claim, wasn't it?

A. I couldn't tell you whether it was or wasn't.

Q. Now, if Sergeant Anderson swears to this, I take it you will not be in a position to deny it?

A. Well, I might do. That is my privilege. I would expect, your Honour, it would be my privilege.

Q. I am sure you will be called back on this, Mr. Clark. Did you mention anything to him about the selling of 51 per cent of mining claims?

A. No, I didn't.

Q. Did you mention anything tohim that members of the Legislature, or Parliament had an interest in this club?

A. No, I didn't.

Q. Did you state to him that other police officers, other than Wright, were involved?

A. No, I didn't.

Q. It is going to be possibly in the final analysis just a question of whether you are telling the truth, or Sergeant Anderson, isn't that correct?

A. [illegible] (no audible answer) -

Q. Pardon? You are denying this under oath now?

A. Yes.

Q. Did you mention to him that

the Reeve of the Toronto Township had been inthe club?

A. I would see the Reeve of the Toronto - - -

Q. Did you mention that to Sergeant Anderson?

A. Once.

Q. Did you so state to Sergeant Anderson?

A. I would say yes, I did.

Q. That is the only thing that you told Sergeant Anderson?

A. Well, I would say yes, that is it.

THE COMMISSIONER: Do you know the penalty for making a false statement under oath?

A. I never was in court before.

THE COMMISSIONER: Well, I will tell you. You are liable to be charged with perjury.

A. Mm.hm.

Q. And do you know what the penalty for perjury is?

A. No, I wouldn't know.

Q. It is 14 years maximum. Now, keeping that in mind - - -

A. Mm,hm.

CC/2 THE COMMISSIONER: What doyou say in answer to these questions?

MR. MacKINNON: Do you wish to reconsider

your answers?

A. Your Honour, the Sergeant and I went over several different things. He wanted information from me about the club. Is this all right?

THE COMMISSIONER: You are the witness.

A. He wanted information from me about the club. Now, if you would like to know what I told the Sergeant, I will tell you.

THE COMMISSIONER: Yes. I want to know.

MR. MacKINNON: Please do.

A. I told him that maybe if they cleaned up some of their own back door, then I would be prepared to go along with them, because he wanted information from me that I could help him clean this up, and that is exactly what I told him, if they cleaned up some of their own mess in their own back door, as I had been going to different clubs now and again for 30 years, and that this has been going on for 30 years. If they cleaned up some of that, then I would go along and help out, whatever I could, to clean it up, and that is exactly what I told Sergeant Anderson.

MR. MacKINNON: Are you prepared to help us now?

A. That is exactly what I told Sergeant Anderson.

THE COMMISSIONER: No, that is not the question.

A. And if it - this I told Sergeant Anderson last week when he came out and delivered a subpoena to me - for the trial the other day. I said I will go and tell the truth at the trial, Mr. Feeley's trial, on Monday, and I was prepared to do that if I had been called.

MR. MacKINNON: What were you going to do, or what did you have in the back of your mind when you made this statement you say to Sergeant Anderson on October 17th, 1960? What was it that you were going to let Sergeant Anderson know, or help him, if he cleaned up the mess in his own back yard? What was that?

A. If I might say it in my own way?

THE COMMISSIONER: Yes.

A. For 30 years I have been visiting different clubs. This is a recreation for me. It is a funny recreation, to your Honour. There is a lot of things I don't do, but I like to shoot crap, and for 30 years I have been going to different ones of these places, and exactly what was going on at Cooksville has been going on for that length of time.

THE COMMISSIONER: Yes.

A. So, I was a member of this club, and - but it was a legitimate chartered club.

I said to Sergeant Anderson, "Why are they allowed to have a charter on a club issued by the Government, when they knew - must have knew what was going on." That is what the Sergeant and I talked about.

THE COMMISSIONER: Yes.

A. Now, this is what bothers me, and I am being really kind of cushy, and as I told you, your Honour, that I don't drink, I don't play cards, but I like to shoot crap.

THE COMMISSIONER: Yes.

A. Once in a while. Now, this was a chartered club. It must have got the charter issued by the Government, some department of the Government. Why did they have that charter, when the police had to sit at the gate.

MR. MacKINNON: It is a good question. Did you get an answer from someone that you now can tell us?

A. No. I just never got that figured out. This is something that I - I -, your Honour, I don't understand why that club would be allowed to run with a charter issued by some former government that was running this kind of a game.

MR. MacKINNON: Built like a fortress, we are told?

A. Well, not - not exactly, your Honour. If I might say so, not the - it was just

an ordinary house. I had knew it for a good many years, and I used to deliver milk there years ago, and it was just an ordinary house, with a - the doors on it that opened with an electric, or something, I don't know.

MR. MacKINNON: Well, did you - I have asked you whether you advised Sergeant Anderson of various things. Did you advise him that you had visited the premises one or two times per month?

A. Yes.

Q. That is one thing you did advise him of?

A. Yes. Sometimes, now and then, sometimes I wouldn't go for two or three months, just depends on what I was doing. Now, if I was in Toronto to something I might call in on the way home. If I was at a late meeting at the County building I might run down for an hour after the meeting, that is all.

Q. I want you to look at Roman numeral Five (V), on the bottom - the very last item on the bottom ofthe page, October 17th, 1960. Read it to yourself. Advise me - -

A. This?

Q. That is right, and advise me whether you told Sergeant Anderson this?

A. No, that I - that is not right. I never - I never mentioned the mining claims to

Sergeant Anderson. I told Sergeant Anderson that they had this mine, but I never mentioned the mining claims.

THE COMMISSIONER: Just a moment. What Exhibit is that?

MR. MacKINNON: That is not an exhibit yet, sir. This is one - - -

THE COMMISSIONER: You better get it.

MR. MacKINNON: -- of Anderson's diaries. He will be going through this, I presume.

THE COMMISSIONER: What diary is it?

MR. MacKINNON: This is the diary for 1960.

Q. Well, in what terms did you discuss the mine with - -

THE COMMISSIONER: Just a moment. That will be Exhibit 37.

---EXHIBIT NO.37: Sergeant Anderson's diary for the year 1960.

MR. MacKINNON: What was that last question?

THE REPORTER: " - - but I never mentioned the mining claims", and then you were interrupted.

MR. MacKINNON: Did you have any discussion - -

THE WITNESS:
A. That is not quite right.

MR. MacKINNON: All right, will you tell us what you did say?

A. I maybe said that they had the mining claim, but I never mentioned any 51 per cent.

Q. Did you mention anything else about the mine?

A. I think that is about all that I mentioned about the mines, and they had the gold mine up north, and they worked at it during the summer.

Q. Did you mention how they bought it, or who was behind it?

A. - - well, now, Your Honour, if I answer this - -

THE COMMISSIONER: Just answer.

A. It is hearsay.

THE COMMISSIONER: Just - -

A. Now, can I answer hearsay?

THE COMMISSIONER: Hearsay through Feeley?

A. Yes.

THE COMMISSIONER: What Feeley told you?

A. Yes.

THE COMMISSIONER: yes. Sure. That is what we want to know, what Feeley told you.

MR. MacKINNON: So you did tell Sergeant Anderson in this connection what Feeley told you, then?

A. That is he got the mine, yes, that he had a mine.

Q. Yes, and what else now?

A. Well, that he got - it was in some connection withthe Minister of Mines, but this is only hearsay now. Whether I - -

THE COMMISSIONAR: Mr. Clark, we are asking you what Feeley told you.

A. Well, that is right.

MR. MacKINNON: Did he identify the Minister of Mines?

A. No, he didn't. It was the Minister of Mines. Now, I - - I don't know who it was, but he said the Minister of Mines.

Q. And what did he say about it, please? Let's have it?

A. Well, that is, - that is how he got it, through some connection. That is all I can tell you.

Q. What was the connection?

A. The Minister of Mines.

Q. You told a little more than that to Sergeant Anderson, didn't you?

A. No, that is what I told him.

Q. Was Inspector Robinson of the Toronto Police there as well, listening to what you were saying?

A. There was another man there.

Q. I see. Was he making notes?

A. I didn't see him. Neither one of them making any notes.

Q. Yes, and what else now?

A. Well, that is just - it was in

the city Hospital that, Monday X -

THE COMMISSIONER: Mr. Clark, we are

seeing Jan what Wesley told you.

A. Well that is right.

MR. MACMILLAN: Did he identify the

Minister of Mines?

A. No, he didn't. It was the

Minister of Mines. Now, I - I don't know who

it was, but he said the Minister of Mines.

Q. And what did he say about it.

Please! Let's have it!

A. Well, that is, - that is how he

got it, through some connection. That is all I

can tell you.

Q. What was the connection?

A. The Minister of Mines.

Q. You said a little more about that

to Lieutenant Anderson, didn't you?

A. No, that is what I told him.

Q. Was Inspector Robinson of the

Toronto Police there as well, listening to what

you were saying?

A. There was another man there.

Q. I see. Was he making notes?

A. I didn't see him. He just sat

of them making any notes.

Q. They were listening though?

A. I would say yes, that is right.

THE COMMISSIONER: You don't drink?

A. No, I don't.

THE COMMISSIONER: So you would be perfectly sober on this day?

A. That is right.

MR. MacKINNON: And you still state that you did not tell him that members of the Parliament had an interest in the club?

A. Perhaps that Minister of Mines - -

THE COMMISSIONER: No, no, no, you are not paying attention to the questions.

MR. MacKINNON: You still state that you did not advise Sergeant Anderson, and presumably Inspector Robinson, who is mentioned here, that members of Parliament, or maybe of the Legislature, had an interest in the club?

A. No.

THE COMMISSIONER: Now, have you a clear recollection of that?

A. Your Honour, I didn't know anyone that had an interest in the club.

THE COMMISSIONER: That is not what you were asked either. You were asked - now listen to me. Pay attention. Did you tell Anderson that Feeley told you that some members of the Legislature had an interest in the club?

A. No, sir, I didn't.

cc/3

MR. MacKINNON: Did you tell him that members of the Parliament had an interest in the club?

A. No, sir.

Q. Did you tell him that other police officers, other than Wright, were involved?

A. No.

Q. Well, what was the mess in his own back yard you were talking about?

A. Well, that, - might I, your Honour? The mess in their own back yard is that for, as I told you, for 30 years I have been going to different clubs now and again, and they have always been - seemed to me to be notified.

Q. The club?

A. Yes. That if they cleaned that up, then I would help them.

THE COMMISSIONER: All right. Now, that is, little by little, you are telling us some information.

THE COMMISSIONER: You have been going to these - can you look at me?

A. Yeh.

THE COMMISSIONER: For some years you have been a member of, or frequenting these clubs?

A. From time to time. Not a member, ~~xxx~~ this is the only club I was ever a member of.

(Page 745 follows)

(Page 765 follows)

DD

THE COMMISSIONER: All right, you have been attending at other Clubs for the purpose of shooting crap?

A. Once in a while, yes.

Q. And they always seemed to be notified of what?

A. Of a raid.

Q. What indicated to you that they were notified of a raid?

A. Well, I tell you one ---

Q. You answer. Yes, go ahead.

A. Oh, maybe, as I say, it goes back 30 years, maybe in'39 or '40 I was in a Club on the corner of Queen and Spadina. In the bottom was a big furniture manufacturer and the top was a gambling place.

I was down at the Grain Exchange in the morning and I called in there for an hour at dinner in the afternoon. In about half an hour I was in there the phone rang and the manager (I couldn't tell you who it was) said that was all for now. In about 15 or 20 minutes four big men came in, went over the Club, andmaybe 15 or 20 minutes went out again.

Q. They were police officers?
A. Yes.
Q. All right, that is one occasion. But you said they always seemed to be notified. What was the word he used?

A. Tipped off.

Q. The one you use now?

A. Some of them.

Q. Now, come back to the Vets Club on the Centre Road. Were there indications about it that they werebeing tipped off?

A. Well, your Honour, there never was any time that I was there, there wasn't any raid. There was a man came in one night I was there, and I believe at that time there was a hold-up or something over in Metro somewhere and somebody had lost a lot of money. He came in and went over the money that the people had and he looked over my money, because he heard that somebody had been throwing around a lot of money. So he called someone, one at a time, in, and went through our money to see if there was any of the money that might have been there out at the Club.

MR. MacKINNON: Q. To come back to this October 17th interview, did you advise Sergeant Anderson and Inspector Robinson that Feeley had advised you the Minister of Mines was paid off?

A. No, he did not.

Q. He did not say anything like that?

A. No, I didn't. I said to Sergeant Anderson about -- they said that

is how they got their mine through the Minister, and that is all.

Q. The Commissioner was asking you about raids on the Club. Were you given instructions as to what to do in case there was a raid?

A. No, I was not.

Q. Or what to say?

A. No.

Q. Apparently according to Mr. Speck he stated that you had advised him there had been a number of raids on this Club prior to January or so of 1960. Where did you get that information from?

A. I didnot advise Mr. Speck that there had been a number of raids, because I don't believe there had been any more than two raids on the Club that I knew of.

Q. Why were you concerned about raids then?

A. Well, I suppose as Reeve of the Township some things you shouldn't do and that is ---

Q. Frequent gambling or gaming establishments?

A. That is right.

Q. But you had never been raided before?

A. So therefore it wouldn't look very good -- we may as well be honest with

ourselves -- it wouldn't look very good if I happened to be in on one of those raids.

Q. Why did your conscience suddenly prick you after eight years?

A. They didn't.

Q. Pardon?

A. Just that I didn't want to be caught in there.

Q. But you had been Reeve for eight years?

A. That is correct.

Q Or seven years by then?

A. That is right.

Q. Why suddenly at that time are you beginning to worry about being found-in?

A. There was never any Provincial Police at the gates before.

THE COMMISSIONER: Before what?

A. Before this, when I asked Mr. Speck.

MR. MacKINNON: Q. So you say you did not state to Reeve Speck there had been a number of raids, and so I am wondering if you would find out from theChief of Police whether they are going to continue then?

A. No, I did not.

Q. So he is mistaken?

A. I told you exactly what I asked

Mr. Speck.

Q. I wonder if you would repeat, what did you ask Mr. Speck?

A. If he could find out if there was going to be a raid because the police was going, was on the gate.

Q. When there was going to be a raid?

A. If there was going to be a raid?

Q. And when?

A. No, if there was, not when. I don't think maybe Mr. Speck would know.

Q. Who was he supposed to find this information out from?

A. He said he could ask Mr. McGill and maybe he might know. I think it was Mr. McGill, the Chief anyway, whatever his name was.

Q. And Mr. McGill -- at least Mr. Speck did not ask you why you wanted to know?

A. No, I told him.

Q. What did you tell him?

A. That I just wanted to know, to ask him if he could find out.

Q. Did you tell him why you wanted to have this information?

A. Yes, so that I would not be in there if there was a raid.

Q. So he is mistake once again if he says you did not tell him why?

A. Well, I don't know what he told you but that is exactly what I asked for.

Q. That is not what my question was, what you actually asked for. My question was, the reason.

THE COMMISSIONER: Why did you ask him?

A. I think, Your Honour, I have already answered that.

MR. MacKINNON: Q. The reason.

A. I told you, that the police was at the gate and if there was going to be a raid I didn't want to be caught in there.

THE COMMISSIONER: You told all that to Speck?

A. Yes, that is what I asked Speck to find out.

MR. MacKINNON: Q. That is what you told Speck?

A. That is what I asked Mr. Speck to find out. I think I have made that plain.

THE COMMISSIONER: Not too plain.

MR. MacKINNON: Not to me.

THE COMMISSIONER: You asked him to find out something and did you tell him, "The reason I want to find out is because if there is going to be a raid I don't want

to be caught in there"?

A. That is right, that is exactly what I said.

MR. MacKINNON: You are pledging your oath to that?

A. And that is exactly why I wanted to know.

Q. So Mr. Spack would be in no doubt as to why you wanted to know?

A. That is right.

Q. Now, you apparently, as you stated, frequented this gaming establishment with some regularity. What were the sums of money involved, very large, substantial sums?

A. Sometimes.

Q. Ten thousand, fifteen thousand?

A. As I have told you, your Honour, before, I just -- I am a little superstitious. I gambled my own money, I didn't bother my head with anybody else only myself.

Q. You wouldn't see what the house was taking?

A. I wouldn't know.

Q. Or anyone else?

A. All I am interested in is the money I put down on the table and how much I pick up.

Q. You would see fairly large amounts on the table though, wouldn't you?

Wouldn't you have any idea what you were gambling?

A. They gamble with chips.

Q. You knew what the chips were worth?

A. Yes.

Q. All right, give us some figures.

A. I wouldn't know.

THE COMMISSIONER: Oh, yes, you can tell us.

MR. MacKINNON: Please do, Mr. Clark.

THE COMMISSIONER: It is not a laughing matter, you know, witness.

A. Your Honour, this is a funny thing, to tell you ---

Q. It is not funny at all.

A. Your Honour, I am trying to tell you the truth. I gambled my own money.

Q. We know that, you didn't gamble anybody else's.

A. And what I am interested in is myself, and I couldn't tell you what the third person from me might be betting, I don't know.

MR. MacKINNON: Q. What amounts did you take away or leave behind?

A. I don't think, your Honour, that I am prepared to answer that question.

THE COMMISSIONER: Oh, you had better.

Mr. MacKINNON: Q. I would like to have it answered. You are the first admitted gambler we have had here. I think this information is significant.

THE COMMISSIONER: I am afraid you will have to answer, Mr. Clark.

A. Well, your Honour, if I went with a hundred dollars, I gambled; if I took $200, I gambled; but if I made $50, I made $100, I went home. If I lost it, I lost it.

MR. MacKINNON: Q. Would you make as much as a thousand on occasions? You would, wouldn't you?

A. Well ---

THE COMMISSIONER: Please hurry up.

A. I could have.

Q. You could have?

A. Yes.

Q. And did you?

A. Possibly, I should say.

Q. You did?

A. Yes, sometimes.

MR. MacKINNON: Q. How about two thousand?

A. No, I wouldn't know. I never kept track of my gambling money. I do it for recreation.

Q. No income tax on this.

A. Yes, there is.

Q. Well, you keep track of it then, wouldn't you?

A. I put it in the bank.

Q. So you do keep track on it?

A. And I pay income tax on it.

Q. You do keep track of it?

A. I wouldn't say I kept track of it. If I made $500 I would put it in the bank and I would pay income tax on it too. If you don't believe it, you could go to my income tax man and find out.

Q. All right, this is what makes me wonder as to your vagueness. You surely knew when you had a good night?

A. Oh, yes.

Q. Well, don't you think you would know when you made $2,000?

A. I didn't say I made $2,000.

Q. I said if you made it, wouldn't you?

DD2

A. Yes.

Q. You would know if you won a thousand dollars?

A. That is right. You said did I make a thousand dollars and I said I did.

Q. On more than one occasion?

A. Well, once or twice.

Q. And you dropped a thousand dollars?

A. Sometimes.

Q. Well, how many hours do you work?

A. I put in 12 to 14 hours.

Q. So you do have much income on the side?

A. And I pay income tax on it.

Q. You do keep proper records of that?

A. I wouldn't say I keep proper records of it. If I made $100,000 I would put it down and I would pay income tax on it.

Q. If you don't believe it, you could see my income tax when I file.

A. All right, that is what counts.

Q. Do you have a good right?

A. Oh, yes.

Q. Well, would you have [illegible]

A. I didn't say I made $1,000.

Q. I said if you made it, wouldn't you?

A. [illegible]

Q. You would know if you were [illegible]

A. [illegible]

Q. Then to right. You said it's a personal opinion.

I have a personal opinion and I said I did.

Q. Do have that opinion?

A. Well, once in awhile.

Q. And you disagree a thousand

Q. Somewhere.

Q. And you were just one of many at this Club?

A. Well, I would say maybe thirty or forty.

Q. How late would you stay, how late is the latest, let me put it that way?

A. Maybe one, one-thirty.

Q. No later than that? Do you know how late the Club stayed open?

A. No, I don't.

Q. Never discussed that with anyone?

A. No, and I just didn't stay till the Club closed.

Q. Would it be open till six in the morning?

A. I wouldn't know.

Q. Did you ever pay by cheque your losses?

A. Sometimes.

Q. Any pressure put on you to pay those cheques?

A. No, sir.

THE COMMISSIONER: Who was the cheque payable to?

MR. MacKINNON: Q. To whom were the cheques payable?

A. Listen, I can't tell you because I couldn't make out the name.

Q. You were the one writing down the name?

A. No, I didn't.

Q. Somebody filled out the cheque for you?

A. Um-hum.

Q. Mr. Feeley?

A. Yes.

Q. Payable to Mr. Feeley?

A. No, it was not.

Q. He had some ---

A. It was payable to cash.

Q. Is that the name you couldn't make out?

A. The man that signed the back of the cheque.

Q. Can you say how long they would leave these cheques outstanding? ---

A. Not at all.

Q. They cashed them right away?

A. That's right.

Q. So they never had to dun you for your bills?

A. No, sir, no.

Q. Would they be fairly substantial amounts? Presumably they would be if you didn't have the cash on you.

A. If I happened to drop in and I didn't have any money I would cash a cheque.

Q. Do you have those cancelled

cheques now?

A. I don't know whether I would have them or not.

Q. Do you operate out of a current account?

A. And savings.

Q. I wonder if you could say, if you would locate those cheques for me. Have you got an accountant? You spoke about an accountant.

A. My wife does the bookkeeping.

Q. That is your accountant. You mentioned to me I should go to your accountant if I did not believe you.

A. That is right.

Q. And your accountant is your wife?

A. No, no. I have a paid --- wait a minute.

Q. Bookkeeper?

A. I said my wife is a bookkeeper. Now, I have an auditor that does my books.

Q. Does he keep the cheques?

A. No, he does not.

Q. You would have them at home?

A. If they are not -- I only keep them so long.

MR. MacKINNON: I wonder, Mr. Commissioner, if Mr. Wilson would see if those particular cheques were located.

MR. WILSON: Yes, I certainly will, and I might ask the witness where his bank is, what the name of this income tax man is.

MR. MACKINNON: I was going to.

Q. Following Mr. Wilson's suggestion, Mr. Clark, where is your bank?

A. Royal Bank in Brampton.

Q. In where?

A. Brampton.

THE COMMISSIONER: Is it in your name?

A. Yes, sir, it is a joint account.

Q. With whom?

A. My wife.

MR. MacKINNON: Q. I think we need the manager's name for the subpoean, Mr. Clark. Do you know the manager's name?

A. George -- no, I can't.

Q. Is there more than one branch of that bank at Brampton?

A. No, just one.

Q. Whereabouts is it located?

A. Right onthe corner.

Q. Corner of what?

A. Four corners, in Brampton.

Q. And who is your accountant?

A. Jack Stewart.

Q. What firm?

A. From Bolton.

Q. Is he on his own?

A. Yes.

Q. His headquarters are in Bolton?

A. That is right.

Q. How do you spell Stewart?

A. S-t-e-w-a-r-t.

MR. WILSON: You might ask what the wife's name is.

MR. MacKINNON: Q. Yes, what is your wife's name?

A. Rita Mary.

MR. WILSON: And whether it is current or savings.

MR. MacKINNON: It is both.

THE COMMISSIONER: Both savings and current?

A. Your Honour, I have a joint account in the current and the savings is in my own name.

MR. MacKINNON: Q. You have advised me that you did not know anyone who frequented this establishment. Did you see any other politician out there that you knew?

A. No.

Q. Or that you recognised?

A. No.

Q. At no time?

A. I guess I am the only stupid one.

Q. How did you come to join the Veterans Club?

A. I can't tell you just who took

me there.

Q. Someone you knew very well?

A. I believe I went there through an invitation at a Christmas party. Every year they had a Christmas party.

Q. At the Vets Club?

A. Yes.

Q. Would they invite the Reeves of the surrounding Townships?

A. I would say possibly they did, because I got a letter in of invitation, a card of invitation to the Christmas party, at the Vets Club.

Q. Then whom did you speak to there? They gave you your membership card?

A. When you went into the door you ---

Q. Was there any gaming going on at that period?

A. No.

Q. What would you be joining for?

A. Well, you went in there and they had a big Christmas party and you joined the Club. I joined the Club to shoot craps, let us be honest about it, that is what I went there for.

Q. Let us be honest about it.

A. Yes, I went there to shoot craps.

Q. And when you were going to this Christmas party you knew this was just an

excuse to get you into the Club?

A. I would be going back again to shoot craps, sure.

Q. So far as the Christmas party is concerned, the door was open and everything was innocent?

A. That is right.

Q. Did you pay $20 for that?

A. I would to get my ticket, yes.

Q. Just for the Christmas party?

A. Well, for when you joined the Club, you pay $20.

Q. You must have had some conversation with someone about this Club, quite apart from any Christmas party. No one pays $20 to go to a Christmas party. Now, did you know what you were paying $20 for?

A. For to join the Club, to shoot craps.

Q. All right, from whom did you get this information?

A. How do you mean, that information?

THE COMMISSIONER: From whom did you get information that if you joined the Club you could go ghm there and gamble?

A. Well, I knew that it was a Club and I knew what it was when I went there, to the Christmas party.

THE COMMISSIONER: All right. Does it

make much difference?

MR. MacKINNON: Q. I just wondered. It was common knowledge, then, I take it?

A. That is right. No bones about it. I don't make no bones about it, I shoot craps.

Q. Your anxiety about being advised about potential raids was aroused by some view you had that possibly the policy towards this Club had changed in 1960, the beginning of 1960?

A. Your Honour, the only reason, and I think I have told you this before, the only reason that I asked about it was because the Provincial Police was at the gate. I think I told you that before.

THE COMMISSIONER: Yes, you did.

A. Now, that is the only reason, no other.

MR. MacKINNON: Q. That was the only thing that aroused your anxiety?

A. That is right.

Q. You knew nothing about previous raids?

A. I didn't care about previous raids.

Q. Did you see any senior police officers at this particular party?

A. No, I did not.

Q. Do you know any senior police

officers?

A. No, I do not. The only man I know is Mr. -- the man that came to see me, whatever his name is.

Q. Sergeant Anderson?

A. That is right.

Q. He is the only policeman you know?

A. Perhaps another fellow that came out with him the other day and I gave him a written statement too.

Q. You gave Sergeant Anderson a written statement?

A. That is right, about the ---

Q. About what?

A. About the trial that I got a subpoena to go to the trial on Monday.

Q. This was just last week?

A. That is right.

Q. I take it that written statement just had to do with there being gaming on the premises?

A. That is right.

Q. It was a very short statement, was it?

A. Well, it was what went on.

THE COMMISSIONER: And have you told us today all that you told Anderson?

A. I think I have, Your Honour. I told Mr. Anderson the same as I told him

about the trial last Monday, that I go there -- and told them the truth -- and that is what I tried to tell you today, though it won't do me too much good in my profession.

MR. MacKINNON: Q. Mr. Clark, you mentioned that you had gone to other clubs. Can you identify those clubs for us now?

A. Sure, I could tell you them all.

Q. Please do.

A. You could go to Beasley's Club at Cooksville.

Q. When was this?

A. Years ago.

Q. Have you got the address of this?

A. No, I couldn't tell you.

Q. You don't know where Beasley's Club was?

A. Beasley's Club was down below Cooksville, that is all I know about it.

Q. All right, where else?

A. Thorncliffe Race Track.

THE COMMISSIONER: What was the name of the Club at the Thorncliffe Race Track?

MR. MacKINNON: Q. Is that the Orillia Club?

A. Now, what was his name?

Q. Wasn't it known as the Orillia Athletic and Social Club?

A. Big horseman ran it anyway, race horse man, whatever you call them --

Garrity -- Mr. Garrity ran it. Then Mr. Orpen ran the Number Club; Manny Feder ran the Brown Derby. So I have been in them all.

DD3 Q. Now, the Brown Derby, was that a gaming establishment?

A. I guess that is what you would call it.

THE COMMISSIONER: Where was it?

A. Down around the Queen Elizabeth, old Queen Street, just down from Brown's Line. Nice place too.

MR. MacKINNON: Q. Still operating?

A. Oh, no.

Q. What other clubs?

A. That is all.

Q. Were you going to any other Clubs since 1958?

A. No.

Q. Than the Vets Club?

A. No.

Q. That was your sole source?

A. That is the only place.

Q. Source of amusement?

A. Yes, and that is all, your Honour, I used it for, was amusement. I tell you, I don't drink, and I don't play cards, and I don't run around with women, so I shoot craps for a little recreation.

Q. That is all, thanks, now.

THE COMMISSIONER: Questions, Mr. Brewin?

Have you any other questions, Mr. Wilson?

MR. WILSON: Yes, there are one or two I would just like to clear up.

EXAMINED BY MR. WILSON:

Q. Where would we find the copy of your income tax returns for the years 1958 to 1960? Are they in the possession of Mr. Jack Stewart?

A. Yes, sir. I make no bones about my income.

Q. And you say that you disclosed your winnings as a gambler on your income tax returns?

A. Yes, sir. If there is a cheque, it is taken off. You will see that in Mr. Stewart's -- in his papers. If I give a cheque it is taken off my account.

THE COMMISSIONER: Did you have a safety deposit box?

A. I had, with my insurance papers in, yes, sir.

Q. Where is that?

A. In Brampton.

Q. I know, but where, at the Royal Bank?

A. That is right.

[illegible]

I never made any money gambling. Nobody ever makes money gambling.

MR. WILSON: Q. The cheque or cheques that you have cashed at the Club, were they on your savings account?

A. On my current account.

Q. On your current account, that would be the joint account?

A. That is right.

Q. And had you cheques in your possession signed first? That is, your wife and you can sign cheques on that account?

A. No, sir, either one of us.

Q. Either one of you?

A. That is right.

Q. That is the same thing. This night you say somebody came and examined the money or players because of some robbery in Metro, was there a game in progress that night?

A. Yes.

Q. Was it going on while this search was being carried out?

A. No, it was not.

Q. Well, it came to a stop when this person came to the door?

A. Your Honour, I just can't tell you exactly. Now, I forget what happened that night, but I was there. I just can't tell you what happened, whether they phoned

ahead that they was coming, I can't tell you.

Q. In 1959 were you at the Vets Club in the month of April at all?

A. Listen, I couldn't tell you whether I was there or I was not in 1959. I have a tremendous amount of business that I do every day and I can't remember that far back.

Q. Well, inthe period of March 24th, 1959, to April 30th, 1959, do you think you were there at all?

A. From March?

Q. March 24th, 1959 to April 30th?

A. Your Honour, I can't tell you the dates I was there.

Q. But you were there every month, weren't you?

A. I was there, I would say, once a month, but I can't tell you the dates or anything about it. If I happened to be in Toronto ---

Q. Are you telling us you hamm had never seena Provincial Police Car outside those premises until 1960?

A. I can't tell you when it was but it was 1960, could have been 1959. Sir, I couldn't tell you.

Q. Did you see cars outside the premises when you were there on more than

one occasion, that is, police cars?

A. Yes, I would say maybe two or three times, because I used to have a bit of a joke with them that, "You are back again".

MR. WILSON: That is all I want to ask the witness right now, Mr. Commissioner. I will probably want to recall him.

THE COMMISSIONER: Tomorrow?

MR. WILSON: Well, it all depends on whether we get these other things.

THE COMMISSIONER: You had better be back here tomorrow, Mr. Clark.

MR. WILSON: I will have subpoenaes issued immediately.

THE WITNESS: At what time, Your Honour?

THECOMMISSIONER: We open at ten o'clock in the morning.

A. In the meantime I suppose I may as well hand in my resignation if this all goes ---

Q. Pardon?

A. In the meantime I suppose, if this all goes in the paper, I may as well hand in my resignation.

Q. Resignation to whom?

A. As Reeve.

Q. That is your business.

A. Are you all done?

Q. Yes, you can be here tomorrow.

A. Ten o'clock.

--- Whereupon the hearing adjourned at 5.00 p.m. until 10.00 a.m. tomorrow, Thursday, March 29th, 1962.

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

KENNETH H. BROWN and JAMES T. GOW, Trustees, on behalf of themselves and all other Shareholders of Beleggings-Societeit, N.V., and the said BELEGGINGS-SOCIETEIT, N.V., as represented by the said Kenneth H. Brown and James T. Gow,

Plaintiffs,

- and -

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Huijsmans,

Defendants.

TRANSCRIPT OF ARGUMENT ON APPEAL

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